BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE

Remote Meeting Via Zoom Conference Call

Register in advance for this meeting:
https://zoom.us/webinar/register/WN_syOO4yiAQ5yNjNYmCVALlA

You are required to register to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Public comments can be emailed in advance to planning@cityofportsmouth.com. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or phone (603) 610-7296.

Per NH RSA 91-A:2, III (b) the Chair has declared the COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-18, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 P.M. **OCTOBER 20, 2020**

AGENDA

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meeting of September 15, 2020.

II. PUBLIC HEARINGS – NEW BUSINESS

A) Petition of **Kelly Dobben-Annis, Owner**, for property located at **160 Rockland Street** wherein relief is needed from the Zoning Ordinance to construct a 12' x 14' deck which requires the following: 1) A Variance from Section 10.521 to allow 30.5% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 129 Lot 01-01 and lies within the General Residence A (GRA) District.

B) Petition of the **Amanda Telford Revocable Trust, Owner**, for property located at **322 Lincoln Avenue** wherein relief is needed from the Zoning Ordinance to demolish an existing structure and construct a new structure which requires the following: 1) Variances from Section 10.521 to allow a) 35.5% building coverage where 25% is the maximum allowed; b) a 3'6" right side yard where 10' is required; and c) a 13' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 26 and lies within the General Residence A (GRA) District.

C) Petition of **Andrea Ardito & Brad Lebo, Owners**, for property located at **121 Northwest Street** wherein relief is needed from the Zoning Ordinance to construct an attached screened porch which requires the following: 1) A Variance from Section 10.521 to allow a 13.5' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 122 Lot 1 and lies within the General Residence A (GRA) District.

D) Petition of **PNF Trust of 2013 and 282 Middle Street, LLC, Owners**, for properties located at **266, 270 & 278 State Street & 84 Pleasant Street**, wherein relief is needed from the Zoning Ordinance to merge four lots into one as part of a redevelopment project including a four-story addition onto the existing building at 84 Pleasant Street which requires the following: Variances from Section 10.5A41.10C to allow a) an entrance spacing greater than 50' where 50' is the maximum allowed; b) 100% building coverage where 90% is the maximum allowed; c) 0% open space where 10% is the minimum required; d) a 4-story, 45' tall building where 2-3 stories or a short 4th and 45' is the maximum allowed; e) less than 70% shopfront façade glazing where 70% is the minimum required and less than 20% other façade types where 20% is the minimum required; and f) to allow more than 20% of the ground floor use to be residential where 20% is the maximum allowed. Said properties are shown on Assessor Map 107 Lots 77, 78, 79 & 80 and lie within the Character District 4 (CD4) District.

E) Petition of the **Elisabeth Blaisdell Revocable Trust, Owner**, for property located at **77 New Castle Avenue**, wherein relief is needed from the Zoning Ordinance to install a mini-split unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 2’ side yard setback where 10’ is required. Said property is shown on Assessor Map 101 Lot 50 and lies within the General Residence B (GRB) District.

F) Petition of **Gregory & Elizabeth LaCamera, Owners**, for property located at **200 McDonough Street**, wherein relief is needed from the Zoning Ordinance to demolish the existing structure and construct a new single family dwelling which requires the following: 1) Variance from Section 10.521 to allow: a) a lot area and lot area per dwelling unit of 2,588 square feet where 3,500 is required for each; b) 39.5% building coverage where 35% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 144 Lot 29 and lies within the General Residence C (GRC) District.

G) Petition of the **Woodbury Avenue Cooperative, Inc., Owner**, for property located at **1338 Woodbury Avenue**, wherein relief is needed from the Zoning Ordinance to demolish the existing structures and replace them with 6 new mobile home units which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,480 square feet where 7,500 square feet per dwelling is required. 2) A Variance from Section 10.334 to allow a lawful nonconforming use to be extended,

enlarged or changed except in conformity with the Ordinance. Said property is shown on Assessor Map 237 Lot 70 and lies within the Mixed Residential Business (MRB) District

H) Petition of **Bacman Enterprises, Inc., Owner**, for property located at **140 Edmond Avenue**, wherein relief is needed from the Zoning Ordinance to redesign previously approved parking which requires the following 1) Variance from Section 10.1113.20 to allow off-street parking spaces to be located in the required front yard or between a principal building and the street. 2) Variance from Section 10.1114.32(a) to allow vehicles to enter and leave a parking area by backing out into or from a public street or way. 3) Variance from Section 10.1114.32(b) to allow vehicles to enter and leave each parking space without requiring the moving of any other vehicle. Said property is shown on Assessor Map 220 Lot 81 and lies within the Single Residence B (SRB) District.

I) Petition of **Karen & Rick Rosania, Owners**, for property located at **32 Boss Avenue**, wherein relief is needed from the Zoning Ordinance to add a second story to an existing dwelling and enclose rear deck which requires the following: 1) A Variance from Section 10.521 to allow a 14’ front yard where 30’ is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 153 Lot 5 and lies within the Single Residence B (SRB) District.

J) Petition of **Lori Sarsfield, Owner**, for property located at **56 Clinton Street**, wherein relief is needed from the Zoning Ordinance for the addition of attached one car garage which requires the following: 1) A Variance from Section 10.521 to allow a 5’ right side yard where 10’ is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 158 Lot 6 and lies within the General Residence A (GRA) District.

K) Petition of **Matthew & Sarah Currid, Owners**, for property located at **542 State Street**, wherein relief is needed from the Zoning Ordinance to convert a single-family dwelling into a two-family with new 10' x 18' two-story deck which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 2,175 square feet where 7,500 square feet per dwelling is required. Said property is shown on Assessor Map 127 Lot 18 and lies within the Mixed Residential Office (MRO) District.

III. OTHER BUSINESS

IV. ADJOURNMENT

BOARD OF ADJUSTMENT MEETING
PORTSMOUTH, NEW HAMPSHIRE

Remote Meeting via Zoom Conference Call

7:00 P.M. **SEPTEMBER 15, 2020**

MINUTES

MEMBERS PRESENT: Chairman David Rheaume, Vice-Chairman Jeremiah Johnson, Jim Lee, Peter McDonell, Christopher Mulligan, John Formella, Arthur Parrott**,** Alternate Phyllis Eldridge, Alternate Chase Hagaman

MEMBERS ABSENT: None

ALSO PRESENT: Peter Stith, Planning Department

Chairman Rheaume noted that Petition C, 50 New Castle Avenue, had been withdrawn by the applicant.

I. APPROVAL OF MINUTES

A) Approval of the minutes of the meeting of August 18, 2020

*It was moved, seconded, and passed unanimously (7-0) to **approve** the minutes as presented.*

II. OLD BUSINESS

A) Request of **Arbor View & the Pines, Owners**, for property located at **145 Lang Road** for a one year extension of the variances that were granted on November 20, 2018. Said property is shown on Assessor Map 287 Lot 1 and lies within the Garden Apartment/Mobile Home Park (GA/MH) District.

Vice-Chair Johnson recused himself from the petition, and Alternate Ms. Eldridge assumed a voting seat.

Chairman Rheaume noted that the applicant submitted a letter to the Board explaining his reasoning for the one-year extension and that he had no building permit as yet.

*Mr. Mulligan moved to **grant** the one-year extension, and Mr. Parrott seconded.*

Mr. Mulligan said the project was substantial and that it wasn't unreasonable to allow an extension. He noted that the applicant requested it within the two-year timeframe per the ordinance, so he saw no reason not to grant it. Mr. Parrott concurred, adding that the request was

timely and had almost become pro forma. Chairman Rheaume cautioned against indicating that two-year extensions were automatically granted, noting that the applicant had two years to get the project done, but he agreed that it was a large project and was no doubt impacted by COVID.

*The motion **passed** by unanimous vote, 7-0.*

III. PUBLIC HEARINGS – NEW BUSINESS

A) Petition of **Nathan & Stacey Moss, Owners**, for property located at **5 Pamela Street** wherein relief was needed from the Zoning Ordinance to construct a one-story rear addition which requires the following: 1) A Variance from Section 10.521 to allow 26% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to a allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 292 Lot 119 and lies within the Single Residence B (SRB) District.

Vice-Chair Johnson resumed his voting seat, and Ms. Eldridge returned to alternate status.

SPEAKING TO THE PETITION

The applicant Nathan Moss reviewed the petition and criteria and said they would be met.

Mr. Stith reviewed the Board's prior approval of the petition, stating that the applicant was before the Board in 2018 to extend the garage and received a 5-ft side yard setback, but the building coverage was calculated in error. He said there was now a more descriptive tabulation of the lot coverage that showed the existing coverage at 24 percent, so the applicant should have gotten a building coverage setback back in 2018. As a result, the building coverage was going from 24 percent to 26 percent.

There were no questions from the Board. Chairman Rheaume opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

*Mr. McDonell moved to **grant** the variances for the petition as presented, and Mr. Parrott seconded.*

Mr. McDonell said the request was straightforward and that it was a small lot with a relatively modest ranch home and a modest addition in terms of square footage, and he didn't think it would change the effect of what was there. He said it was a reasonable request, notwithstanding that the building coverage increase was greater than the actual two percent. He said granting the variances would not be contrary to the public interest or the spirit of the ordinance and the

proposed use would not alter the essential character of the neighborhood or threaten the public's health, safety, or welfare. He said it was a modest addition and that similar additions were done up and down the block, and that it was common for small homes to be added onto over the years. He said substantial justice would be done because the benefit to the applicant was obvious and wasn't outweighed by any harm to the public. He also noted that no neighbors had spoken against it and that he couldn't see that neighbors or the general public would be concerned with an addition like that. He said granting the variances would not diminish the values of surrounding properties, noting that he had heard no testimony to that effect. He said the project would benefit the property, which would result in benefiting surrounding properties. He said literal enforcement of the ordinance would result in unnecessary hardship due to the special conditions of the property that distinguished it from others in the area. He said the property was similar to others in the area, but the lot's size was smaller than the required minimal lot area and the modest addition wouldn't implicate special conditions that the Board could distinguish from other properties in the area. He saw no relationship between the purpose of the building coverage ordinance and the application because the total building coverage in that zone was limited to 20 percent. He said the proposed use was reasonable and would remain what it was, a modest single-family home, and he said the Board should approve the request.

Mr. Parrott concurred, adding that it was obviously a small tasteful addition situated toward the center of the lot and was as far away from the neighbors as it could be, so it would not have a detrimental effect on the neighborhood and easily met all the criteria.

*The motion **passed** by unanimous vote, 7-0.*

B) Petition of **Stephen & Bridget Viens, Owners**, for property located at **78 Marne Avenue** wherein relief was needed from the Zoning Ordinance to replace existing 1 car garage with new 2 car garage and mudroom which requires the following: 1) Variances from Section 10.521 to allow a) 27% building coverage where 25% maximum is allowed; b) a 9.5' secondary front yard where 15' is required; and c) an 11.5' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 222 Lot 40 and lies within the General Residence A (GRA) District.

SPEAKING TO THE PETITION

The applicants Stephen and Bridge Viens were present. Mr. Viens reviewed the petition and criteria. He said all his neighbors were in favor of the project.

Mr. Mulligan noted that the driveway came off Marne Avenue and asked if the applicant would abandon that driveway. Mr. Viens said there would only be 10 feet from the street to the garage door, which wouldn't leave much space, and that one of the bays was only 16 feet due to the new mudroom. He said he hoped to keep both driveways.

Mr. Stith said only one driveway per lot was allowed, and if the applicant kept both driveways, he would have to request another variance. Mr. Mulligan asked if the Department of Public Works would have to approve a curb cut for the new driveway, and Mr. Stith agreed. Mr. Mulligan said the plan showed that the new addition would be 11'8" from the rear yard, but the relief advertised was 11'5". Mr. Stith said the Planning Department had been using the half-foot instead of the plus/minus measurement. Vice-Chair Johnson asked the applicant if he had considered putting the new garage more toward the front yard or making it an ell-shaped one, noting that the Cape had as extended addition on both sides that made for a long building. Mr. Viens said he had not considered it because it was all about creating a mudroom.

Chairman Rheaume opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

*Mr. Mulligan moved to **grant** the variances for the petition as presented and advertised, and Vice-Chair Johnson seconded.*

Mr. Mulligan said the property had been added onto a few times, making the structure long, but it was set back pretty far from Marne Avenue such that there was no usable backyard, so he could understand why the owner wouldn't want an ell-shaped garage. He said it was also a good way to take advantage of the fact that Verdun Avenue wasn't much of a traveled street. He said granting the variances would not be contrary to the public interest or to the spirit of the ordinance because the essential residential character of the neighborhood would remain intact and the public's health, safety, and welfare would not be implicated. He said it would result in substantial justice because the loss to the applicant if the Board were to require strict compliance with the ordinance would outweigh any gain to the public. He said granting the variances would not diminish the value of surrounding properties but would improve them, noting that a mudroom and a two-car garage were amenities normally seen in modern homes. He said the special conditions of the property were that it was a corner lot on two roads that weren't traveled much. He said there was no fair and substantial relationship between the purpose of the setback and building coverage ordinances and their application to the property. He said it was a small amount of relief requested and was a residential use in a residential zone and met all the criteria.

Vice-Chair Johnson concurred, noting that Mr. Mulligan made a good point about the usable space within the yard. He thought a more compliant concept could have been worked out for the front yard, but he realized that it was a tight neighborhood, and it helped that there was an open view across the street. He said the project should be approved.

*The motion **passed** by unanimous vote, 7-0.*

C) WITHDRAWN Petition of **Timothy & Alexandra Lieto, Owners**, for property located at **50 New Castle Avenue** wherein relief is needed from the Zoning Ordinance to construct a two-story rear addition which requires the following: 1) A Variance from Section 10.521 to allow a 22' rear yard where 30' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 101 Lot 33 and lies within the Single Residence B (SRB) District. **WITHDRAWN**

*It was acknowledged by the Board that the applicant had **withdrawn** the petition.*

D) Petition of **KSC, LLC, Owner**, **and Lafayette Animal Hospital, LLC, Applican**t, for property located at **2222 Lafayette Road** wherein relief was needed from the Zoning Ordinance to allow a Veterinary Clinic/Hospital which requires the following: 1) A Special Exception from Section 10.440 Use #7.50 to allow a Veterinary Care use where the use is allowed by Special Exception. Said property is shown on Assessor Map 267 Lot 2 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

SPEAKING TO THE PETITION

Attorney Brad Lown was present on behalf of the applicant and reviewed the petition and special exception requirements. He stated that the clinic usually got 4-8 patients per hour for 30-minute visits and rare overnights; there were two veterinarians, 12 staff people and 29 parking spaces; and the clinic was just being moved down the street and across the road to a slightly larger space.

There were no questions from the Board. Chairman Rheaume opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

David McGrath said he was the owner of KSC, LLC and was happy to be part of the community.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one else was present to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

*Mr. Lee moved to **grant** the special exception request, and Mr. Parrott seconded.*

Mr. Lee said it was a simple request, just relocating the same business across and down the road to a better location. He said granting the special exception would create no hazard to the public or adjacent properties on account of odors, smoke, noise, fire, explosions, and so on. He said it would create no traffic safety hazards or substantial increase in the level of traffic in the vicinity and no excessive demand on municipal services, as well as no increase in stormwater runoff onto adjacent properties or streets.

Mr. Parrott concurred, noting that the property had been vacant for some time and that it was good to see it getting filled up. He said it was a benign use of the property and would fit in nicely with the neighborhood, and that it satisfied all the requirements and should be approved.

Chairman Rheaume said that the only criterion that was potentially marginal was the increase in traffic, but the business would be moved from one side of the street to the opposite in a location suited for a small amount of incoming and ongoing traffic, so he thought it passed all the hurdles.

*The motion **passed** by unanimous vote, 7-0.*

E) Petition of **Kenton Slovenski, Owner**, for property located at **175 Grant Avenue** wherein relief was needed from the Zoning Ordinance to construct a two-story addition with an attached accessory dwelling unit which requires the following: 1) A Variance from Section 10.521 to allow a lot area of 13,950 square feet where 15,000 square feet is the minimum required. Said property is shown on Assessor Map 251, Lot 41 and lies within the Single Residence B (SRB) District.

Mr. Parrott recused himself from the petition, and Alternate Mr. Hagaman took a voting seat.

SPEAKING TO THE PETITION

Attorney Derek Durbin on behalf of the owner was present, as was the owner Kenton Slovenski. Attorney Durbin reviewed the petition and said the owner wanted to renovate his one-story ranch home to accommodate an ADU. He said it would be similar to other two-story homes in the area, and the ADU would be fully integrated into the vertical extension and would be living space for a family member. He also noted that the property was deficient and needed a lot of work.

Vice-Chair Johnson asked if there were other multi-family uses in the surrounding area. Attorney Durbin said he knew there were a few duplexes around but not a lot of multi-family uses. He said he had a list of all the ADUs permitted in Portsmouth and that there weren't many because not many lots met the 15,000 s.f. minimum in the ordinance. Mr. Hagaman asked if the purpose of the ADU was to provide housing for a family member rather than renting it out. Attorney Durbin said the goal was to provide an independent living space for the applicant's brother or another family member. Mr. Hagaman said the Board received a letter from someone concerned about the aesthetics of the design and placement of the bumpout, and he asked if the stairs could be put in the back so that no bumpout was required. Attorney Durbin said there was ledge in the back.

Vice-Chair Johnson asked Mr. Stith if the property would be considered a single-family home with an ADU or a two-unit property. Mr. Stith said the applicant would have to get a Conditional Use Permit first. He thought the home would be assessed as an occupancy of two instead of a two-family home, and that the applicant would have to be certified yearly to ensure that the ADU still met the criteria for an ADU. It was further discussed.

Chairman Rheaume opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one was present to speak in favor of the petition.

SPEAKING AGAINST THE PETITION

Amy Dickinson said she was a resident of the neighborhood and was concerned about the ADU because she thought it would set a dangerous precedent for others in the neighborhood to start adding apartments that didn't meet the square footage requirement, would increase traffic, and wouldn't be maintained by a renter as well as it would be by an owner.

Chairman Rheaume said the State of New Hampshire passed the ADU law to increase housing stock, and that one of the goals was that all communities must allow ADU units within single-family areas. He said the City was required to develop an ordinance around it to allow ADUs in single resident districts throughout Portsmouth.

SPEAKING TO, FOR, OR AGANST THE PETITION

No one else was present to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

Vice-Chair Johnson said the applicant's neighborhood was the perfect application of the purpose of the ADU law overall because it had a less dense area infill and a fair amount of space per person as well as modest-sized properties, but he struggled with how to phrase the hardship eloquently. Mr. Hagaman agreed.

*Vice-Chair Johnson moved to **grant** the variance for the application as presented, and Mr. Hagaman seconded.*

Vice-Chair Johnson said he would echo his first few sentences about the application being appropriate. He said he lived in a similar neighborhood where the majority of residential properties came up short of the 15,000 s.f. criterion. He said granting the variance would not alter the essential character of the neighborhood or impact the public's health, safety, or welfare, and the spirit of the ordinance would be observed. He said one could look at this neighborhood and say that having an ADU was not meeting the character of the neighborhood, but the Board had to consider the current ordinances applied to the zone. He said there weren't a lot of properties with ADUs that were seen as a defining character, but the intent was reflected by changes in the ordinance and whether the size and density of the neighborhood were big enough to accept small uses like that. He said it was self-governing by the nature and size of the ADU as to how many people could live there and wasn't much different than everyone living in a single-family home. He said granting the variance would do substantial justice because the loss to the applicant if not granted would be greater than any perceived loss to the public or neighbors. He said the value of surrounding properties would not be diminished because the ADU would be a new addition to the housing stock and it was hard to argue that it wouldn't raise surrounding

property values. He saw no market decrease in values due to an ADU and thought it would increase resale values. He said literal enforcement of the ordinance would result in unnecessary hardship because the applicant had bought into the concept of what a Single Residence B Zone was and what the entitlements were and weren't, and he didn't feel that a one thousand plus or minus difference in square footage of the lot size undermined any of the ordinance's intent. He said it was a proven fact with other residences that a property of that size was capable of housing two units that were both small sizes.

Mr. Hagaman concurred. He said he had leaned heavily on how the hardship was presented by the applicant, and he thought what made the property unique compared to others was that it was positioned to do exactly what the applicant proposed to do. He said that was relatively uncommon, except for it being a relatively smaller lot than what was required. He said the special condition was that it checked all the boxes except for lot size, which was a unique thing not only for the neighborhood but for the city as a whole.

Chairman Rheaume said that other New Hampshire communities were perhaps more affected by what the ADU law was trying to do, but that Portsmouth was an old community with a lot of established properties of two-acre lots with single-family homes, which used up a lot of available land to create those sorts of structures. He explained how the current environment was a lack of housing overall and also had an aging population that struggled to find smaller living spaces, and if they remained in their homes because they couldn't find smaller ones, it denied opportunities for younger families. He said the ADU law was designed to create a space that the aging population could take advantage of as well as continue to create housing opportunities for younger people who could serve as part of the workforce. He said if the City held applicants to the rigid standard of 15,000 square feet, they'd run the risk of defying the spirit of the ordinance and the spirit of the law behind the ordinance.

*The motion **passed** by unanimous vote, 7-0.*

F) Petition of the **Rhonda Stacy-Coyle Revocable Trust, Owner,** for property located at **36 Richards Avenue** wherein relief was needed from the Zoning Ordinance to install a heat pump unit which requires the following: 1) A Variance from Section 10.521 to allow a 2' right side yard where 10' is required. Said property is shown on Assessor Map 136 Lot 14 and lies within the Mixed Residential Office (MRO) District.

Mr. Parrott resumed his voting seat, and Mr. Hagaman resumed alternate status.

SPEAKING TO THE PETITION

The heating unit consultant Sue Morrison was present on behalf of the applicant and reviewed the petition and criteria. She said the Historic District Commission (HDC) had approved it with a stipulation that a surrounding fence would hide the unit from view. She said she accounted for the spacing that the unit needed from the building structure for adequate air flow

Chairman Rheaume opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

*Mr. Formella moved to **grant** the variance for the petition as presented, and Mr. Lee seconded.*

Mr. Formella said that granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance because it would not alter the essential character of the neighborhood or threaten the public's health, safety, or welfare. He said no one would even know that the unit was there. He said substantial justice would be done because if the Board didn't grant the variance, it would be a loss to the applicant because the property couldn't have the heating unit, and there would be no gain to the public because they wouldn't have been harmed by the unit. He said granting the variance would not diminish the values of surrounding properties, noting that there was no evidence that it would do so. He said literal enforcement of the ordinance would result in unnecessary hardship to the applicant because special conditions of the property included a small lot, a small amount of outdoor space, and an existing nonconformity on the right sideyard. He said there was just a 2-ft setback where ten feet were required, so the Board wasn't creating any new nonconformity. He said there was no fair and substantial relationship between the purpose of the setback provision and its application to the property and that the proposed use was reasonable and should be granted.

Mr. Lee concurred and had nothing to add. Chairman Rheaume said he would support the motion because the only concerns of the setback relief were the light and air to the neighbors, but the neighbor's property wouldn't be impacted because it was a multi-use one.

*The motion **passed** by unanimous vote, 7-0.*

G) Petition of the **Kevin Shitan Zeng Revocable Trust, Owner**, for property located at **377 Maplewood Avenue** wherein relief was needed from the Zoning Ordinance to demolish an accessory building and construct a new free standing dwelling which requires the following: 1) A Variance from Section 10.513 to allow more than one free standing dwelling on a lot. 2) Variances from Section 10.521 to allow: a) a lot area per dwelling unit of 2,638 square feet where 7,500 is the minimum required; b) 43% building coverage where 25% is the maximum allowed; c) a 4.5' secondary front yard where 15' is required; d) a 3' left side yard where 10' is required; and e) a 5.5' rear yard where 20' is required. 3) A Variance from Section 10.321 to allow a building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 141 Lot 22 and lies within the General Residence A (GRA) District.

SPEAKING TO THE PETITION

Attorney Derek Durbin was present on behalf of the applicant, as was the project architect Daniel Barton. Attorney Durbin said the existing building behind the main home predated that home and

was believed to have been a sail-making shop in the past, and that they proposed to demolish and replace it with a smaller carriage house structure. He said the HDC had a site visit and determined that the existing building was too structurally unsound to reconstruct. He said there would be two dwellings on the property to house family members. He reviewed the criteria and gave examples of other similar homes in the area that had ADUs.

Mr. Hagaman said the carriage house seemed to be equal to or more dominant than the main house. Mr. Barton noted the work session they had with the HDC, where it was decided that a new structure that was appropriate for the neighborhood should replace the existing one. He said the carriage house might look large but was really a small structure and its size was similar to the existing building. He said they reduced the roof pitch on one side of the building to replicate the front of the existing building and that the ridge height of the new gable wasn't too far off from the requirement. He said the building had a similar relationship in grade to the existing building.

Mr. Mulligan confirmed that the existing structure had not been used for a long time and could have been used as a dwelling before. He said the passageway was part of Jackson Hill Avenue and asked if it was a paper street. Attorney Durbin said it didn't meet the definition of a street but was shown as one on the City map. Mr. Mulligan said the existing conditions plan identified the passageway as a gravel lane and that the proposed stacked parking looked like it would back out into Maplewood Avenue traffic. He said stacked parking wasn't safe or appropriate for the property and asked if there was another way out of the property. Attorney Durbin said the property connected to Jackson Hill Avenue, which he thought the City maintained. He said the stacked parking was an existing condition due to the funky parking layout and that it worked for the property. He said cars would pull out of the lot and go up to Jackson Hill Avenue to the right. Mr. Mulligan asked if that was the way the applicant currently got out of the property, and Attorney Durbin said he wasn't sure. Mr. Mulligan asked what the improvement was in that case and how one would go up the gravel drive at the edge of the passageway and make a right turn. Mr. Barton said the Jackson Hill Avenue passageway was a thruway, but its grade increased in height above the applicant's property as one left Maplewood Avenue. He said the ADU was up against a tall embankment, so pulling into the driveway and being able to loop up through Jackson Hill Avenue would only be feasible if the grade was changed.

Chairman Rheaume said the grade difference was apparent. He said the parking situation spoke to the criteria in terms of lot area per dwelling unit and thought the key factor was having two separate dwelling units. He said he had looked at the properties with ADUs that Attorney Durbin had referred to. He said one looked like a converted garage in a second dwelling unit that was quite a bit smaller than the main structure and fit the character of a garage, and another one was an older home with a new addition. He said a carriage house was usually a smaller structure. He said the main house was about 800-900 square feet and the proposed carriage house was 1400-1500 square feet but would be just a single-floor dwelling. He asked if the main house had second-floor space. Mr. Barton said the second floor was more of a loft or attic space. Chairman Rheaume said the new structure would be substantially larger than the existing structure and would be more in keeping with the idea of an ADU. It was further discussed.

Chairman Rheaume opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present to speak, and Chairman Rheaume closed the public hearing.

DISCUSSION OF THE BOARD

Mr. Mulligan referred to his previous comments and said he could not support the proposal because the requested lot area per dwelling was a third of what was required and half of what currently existed. He said jamming another residence into the property was problematic for a lot of reasons, and he recommended that the applicant do a redesign that addressed the parking configuration and eliminated the stacked parking backing out onto Maplewood Avenue. He said the petition met the hardship criteria because the property was unique, but the public's health, safety, and welfare were implicated and substantial justice would not be done. He said the loss to the public if the variances were granted would outweigh the gain to the applicant. Mr. Formella agreed. He said he could find a hardship on the lot area per dwelling unit because another dwelling unit could go there, but he felt that more work could have been done with the existing structure by reducing the footprint more. He noted that the proposed building was fairly large and that there was room to reduce it and make it more like a detached ADU, which might allow for configuring the parking in a safer way. He said there could be a proposal to get another unit on the lot that would require less building coverage. He said he could not support the petition and that he hoped it could be redesigned by reducing the size of the second structure.

Mr. Parrott agreed with Mr. Formella and Mr. Mulligan. He said the proposed building was very ambitious for the small lot, which was odd and challenging due to its topography. He said the proposal seemed to be built on the fact that there was a building there that apparently was never a dwelling before, but that it didn't matter because the issue was the available land. He said he was also concerned about the parking and thought backing out onto that busy part of Maplewood Avenue was very undesirable. He said when something new was designed, it should fix some of the existing problems. He said the proposal was too ambitious for the area and wouldn't work in the location, and that it wouldn't meet all the criteria, especially the first and second because it would be contrary to the public interest and to the spirit of the ordinance.

Mr. McDonell said he had been prepared to support a motion to approve because, given what was allowed as far as a multi-family dwelling in the zone and the lot's special conditions, he felt there was a necessary hardship. He said the dimensional requests for variances were all being decreased a bit, with the exception of the lot area per dwelling unit, and that got into the bigger reasons for the variance request to add another freestanding unit. However, he said he thought about the safety concerns that Mr. Mulligan brought up and agreed that there would be a threat to the public's safety, so he would support a motion to deny the variances.

Chairman Rheaume agreed with Mr. McDonell's argument that the neighborhood was filled with multi-family dwelling-unit single structures but didn't think multi-structures with multiple units were common for the neighborhood. He said the few examples they saw were bigger lots that looked more like they had separate outbuildings. He said the applicant's proposal was to spread the dwelling unit out all over the very small lot and occupy a lot of space, which squeezed the

parking. He said there was a legitimate concern about entering and exiting the driveway, but that the Board would be endorsing the idea that one could get three cars in and out of that driveway on a regular basis. He said there were a lot of negatives, like the slope of the driveway and the street, plus the passage that would add more traffic. He said if the applicant could do an expansion on the main house or an upward expansion, it would allow room to park in or create a turnout, but the property was burdened by being in the HDC and the Commission might not look favorably on that. He said it was admirable that the applicant improved the setback slightly, but they were still asking for a lot of relief. He said what would be more in keeping with the other two examples would be something much more ADU-like, which would reduce some of the burden of the total occupied square footage on the property. He said it was unfortunate that the property was subdivided in such a way that it negatively affected the property's potential development. He said the Board wanted to see the structure replaced by something better, but that he could not support what was proposed.

DECISION OF THE BOARD

*Mr. Lee moved to **deny** the variances for the petition, and Mr. Formella seconded.*

Mr. Lee said a lot of the criteria were not met, including the spirit of the ordinance and the hardship, which he felt were the most relevant. Mr. Formella said the petition would also be contrary to the public interest because there would be a threat to the public's health, safety, and welfare. He said the requested dimensional relief and the parking configuration created an unsafe situation. He said a hardship could be found when it came to asking for an additional dwelling unit, but he thought it failed on the hardship, given the extent of the dimensional relief asked for, and that it would not be an unnecessary hardship to scale back the proposal and the requested dimensional relief.

*The motion to deny **passed** by unanimous vote, 7-0.*

H) Petition of **553-559 Islington Street, LLC, Owner** for property located at **553 Islington Street** wherein relief was needed from the Zoning Ordinance to construct a rear addition in conjunction with reconfiguration of the existing six-unit apartment building which requires the following: 1) A Variance from Section 10.5A41.10A to a lot area per dwelling unit of 1,201 s.f. where 3,000 s.f. per dwelling is required; 2) A Variance from Section 10.5A41.10A to allow 19.5% open space where 25% is the minimum required; 3) A Variance from Section 10.5A41.10A to allow a ground story height of 10' 7.5" where 11' is required; 4) A Variance from Section 10.321 to allow a nonconforming building or structure to be enlarged, reconstructed or extended without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 157 Lot 3 and lies within the Character District 4-L2 (CD4-L2) District.

SPEAKING TO THE PETITION

Attorney Steven Hyde was present on behalf of the applicant, including project architect Tim Brochu and project engineer John Chagnon. Attorney Hyde reviewed the petition, noting that the

addition would permit the reconfiguration and the addition of a larger central staircase and a corridor to permit ingress and egress. He said the property was unique because it was surrounded by commercial and mixed-use structures. He reviewed the criteria and said they would be met.

Chairman Rheaume said he didn't see any dimensions for the former outbuilding on the right-hand side of the property and asked if the applicant exceeded the five feet. Attorney Hyde said they were not within the setback. Chairman Rheaume said the driveway was a common one that was once access to a shoe company, and he asked if it meant that the property line was on the opposite side of the driveway and not more than 20 feet. Attorney Hyde said it was a shared 13-ft wide passageway and that their property line was not even halfway across the driveway. Mr. Chagnon said the back of the proposed addition was six feet from the property line. He said the passageway was not part of the lot or the adjacent lot and that it was a dedicated piece of land that was still owned by the former shoe company.

Chairman Rheaume opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present to speak, and Chairman Rheaume closed the public hearing.

DECISION OF THE BOARD

*Mr. Mulligan moved to **grant** the variances for the application as presented and advertised, and Mr. Parrott seconded.*

Mr. Mulligan said it was a substantial redevelopment of an existing nonconforming property and the required relief mimicked the existing nonconformities. He noted that there were already six grandfathered units on the property that would remain the same, but the applicant would do a full code-compliant renovation that would bring the property into the 21st Century. He said it wasn't much relief, given what already existed, so granting the variances would not be contrary to the public interest or the spirit of the ordinance. He said the character of the neighborhood wouldn't be materially affected and the public's health, safety, and welfare would not be implicated. He said the lot area per dwelling wasn't changing but was just getting reconfigured to improve the property and the public's welfare. He said substantial justice would be done because if the Board were to require the applicant to conform to the current zoning, it would likely mean that none of the improvements would take place and the property would be deficient, and the loss to the owner would outweigh any gain to the public. He said granting the variances would not diminish the values of surrounding properties because the most affected abutter was the gas station next door, which he didn't think would be affected one way or the other. He said the values of surrounding properties would be enhanced by bringing the property into substantial code compliance. He said that literal enforcement of the ordinance would result in an unnecessary hardship owing to the property's unique conditions, including abutting a gas station next door and railroad tracks to the rear, which distinguished the property from others in the area. He noted that it was already a pre-existing nonconforming property, which was an additional special condition. He said the property had existed for quite a while as a 6-unit apartment building, so

there was no fair and substantial relationship between the purpose of the provisions of the ordinance and their application to the property.

Mr. Parrott concurred and said the additional footprint represented by the addition, the stoop, and the deck were basically infills to the property, and the new walkway would make it look better. He said all the improvements would be a positive for the applicant and the neighborhood.

*The motion **passed** by unanimous vote, 7-0.*

IV. OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Joann Breault
BOA Recording Secretary

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: October 14, 2020
RE: Zoning Board of Adjustment October 20, 2020 Meeting

NEW BUSINESS

1. 160 Rockland Street
2. 322 Lincoln Avenue
3. 121 Northwest Street
4. 266- 278 State Street & 84 Pleasant Street
5. 77 New Castle Avenue
6. 200 McDonough Street
7. 1338 Woodbury Avenue
8. 140 Edmond Avenue
9. 32 Boss Avenue
10. 56 Clinton Street
11. 542 State Street

NEW BUSINESS

1.

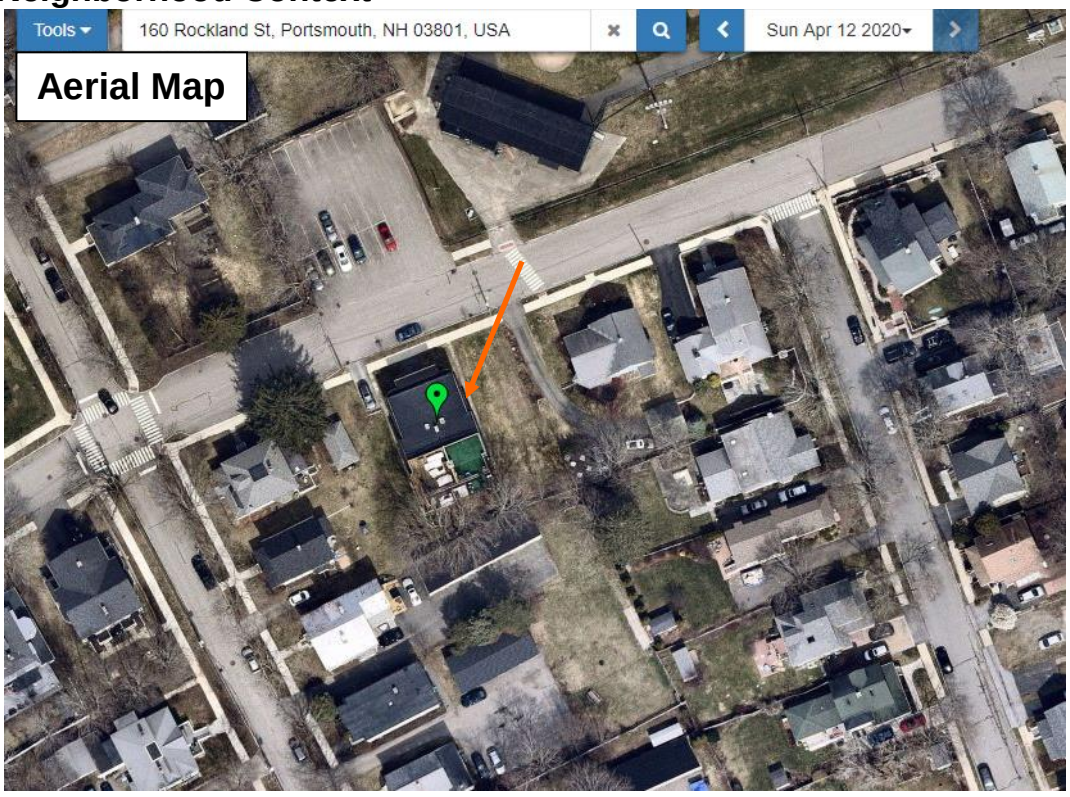
Petition of **Kelly Dobben-Annis, Owner**, for property located at **160 Rockland Street** wherein relief is needed from the Zoning Ordinance to construct a 12' x 14' deck which requires the following: 1) A Variance from Section 10.521 to allow 30.5% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 129 Lot 01-01 and lies within the General Residence A (GRA) District.

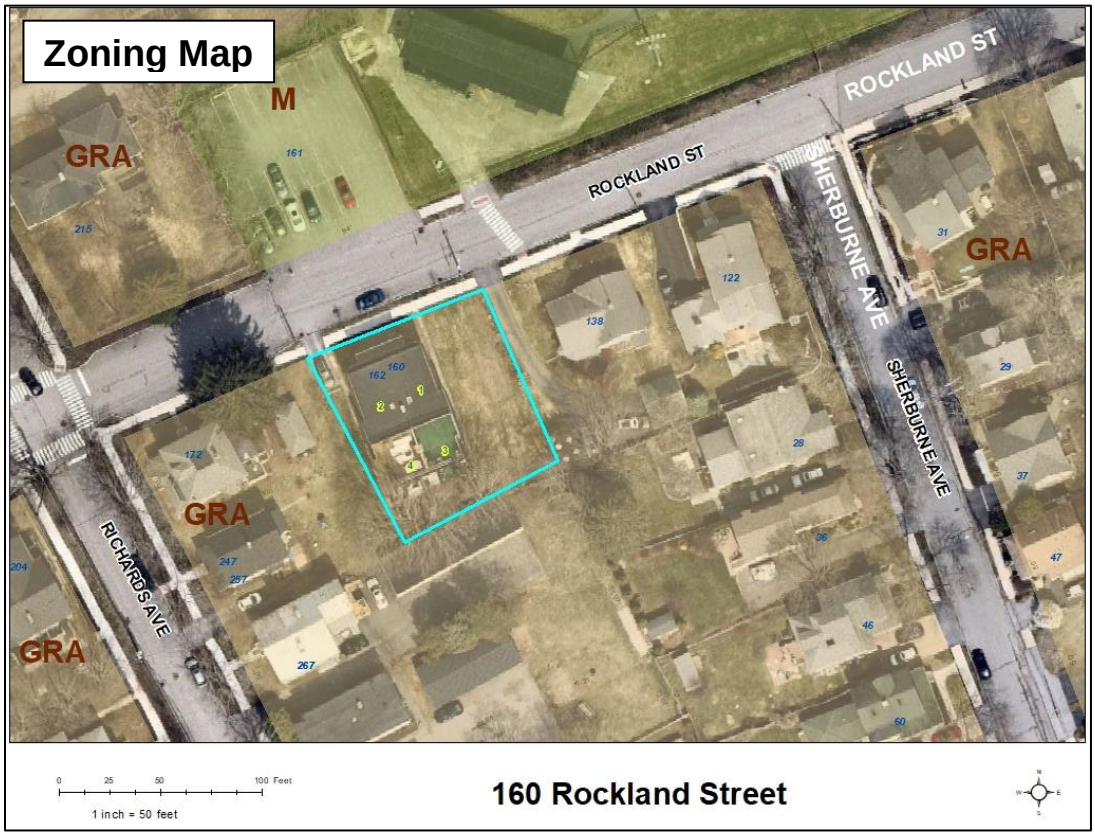
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Rear addition	Primarily Single Family	
Lot area (sq. ft.):	9,600	9,600	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	4,800	4,800	7,500	min.
Street Frontage (ft.):	92	92	100	min.
Lot depth (ft.):	100	100	70	min.
Primary Front Yard (ft.):	7	44 (to deck)	15	min.
Left Side Yard (ft.):	36	22	10	min.
Right Side Yard (ft.):	4	4	10	min.
Rear Yard (ft.):	24	43 (to deck)	20	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	28	**30.5**	25	max.
Open Space Coverage (%):	>30	>30	30	min.
Parking:	1	1	1.3	
Estimated Age of Structure:	1900	Variance request shown in red.		

Other Permits/Approvals Required
None.

Neighborhood Context





Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The property contains a two family dwelling and the applicant is proposing to add a 12' x 14' deck which will result in 30.5% building coverage where 25% is the maximum allowed.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

2.

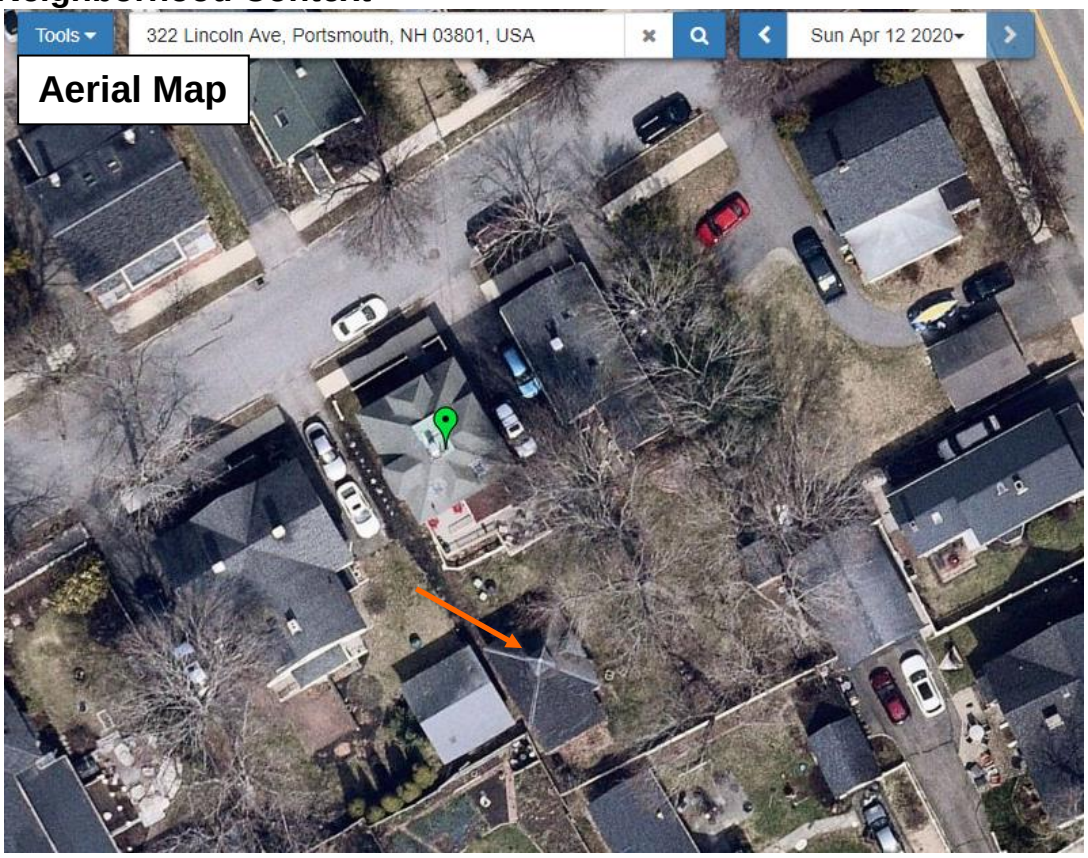
Petition of the **Amanda Telford Revocable Trust, Owner**, for property located at **322 Lincoln Avenue** wherein relief is needed from the Zoning Ordinance to demolish an existing structure and construct a new structure which requires the following: 1) Variances from Section 10.521 to allow a) 35.5% building coverage where 25% is the maximum allowed; b) a 3.5' right side yard where 10' is required; and c) a 13' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 26 and lies within the General Residence A (GRA) District.

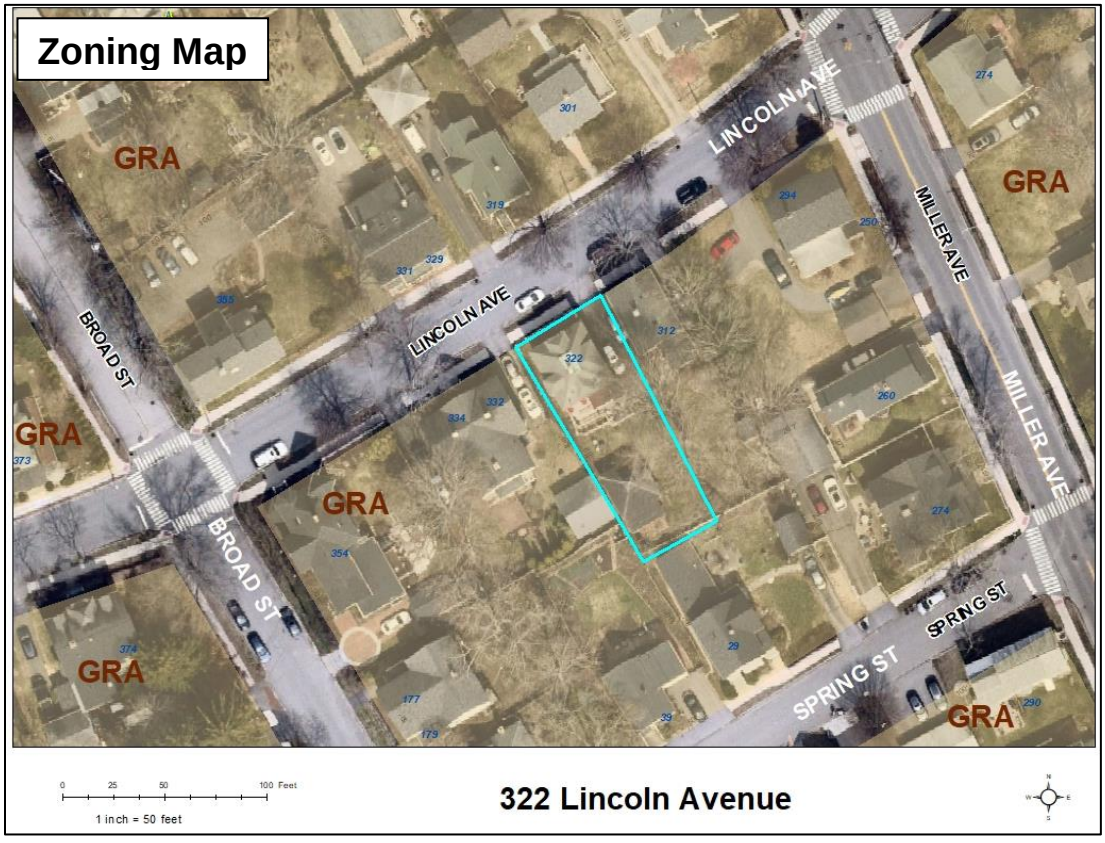
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Reconstruct new accessory structure	Primarily residential	
Lot area (sq. ft.):	5,378	5,378	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	5,378	5,378	7,500	min.
Street Frontage (ft.):	48	48	100	min.
Lot depth (ft.):	119	119	70	min.
Primary Front Yard (ft.):	6'10"	6'10"	15	min.
Left Side Yard (ft.):	17	17	10	min.
Right Side Yard (ft.):	2.5'	**3.5'**	10	min.
Rear Yard (ft.):	13	**13**	20	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	35	**35.5**	25	max.
Open Space Coverage (%):	51	51	30	min.
Parking:	2	2	1.3	
Estimated Age of Accessory Structure:	100 years	Variance request shown in red.		

Other Permits/Approvals Required
None.

Neighborhood Context





Previous Board of Adjustment Actions

September 17, 1996 – The Board granted variances to allow a deck with a 5' right side yard where 10' is required and a building coverage of 29.2% where 25% is the maximum allowed.

Planning Department Comments

The applicant is proposing to demolish the existing accessory structure that is in poor condition and construct a new structure, similar in design and location. The right side yard will improve slightly, by 1 foot, while the rear yard will stay the same as it is currently. The slight increase in footprint will increase the building coverage to 35.5% where 25% is the maximum allowed.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

3.

Petition of **Andrea Ardito & Brad Lebo, Owners**, for property located at **121 Northwest Street** wherein relief is needed from the Zoning Ordinance to construct an attached screened porch which requires the following: 1) A Variance from Section 10.521 to allow a 13.5' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 122 Lot 1 and lies within the General Residence A (GRA) District.

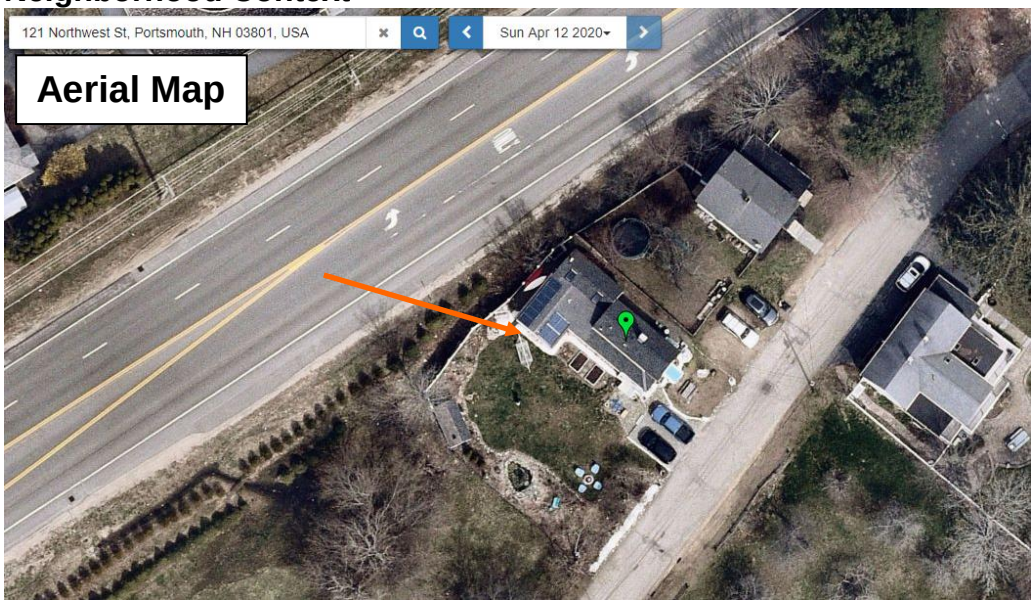
Existing & Proposed Conditions

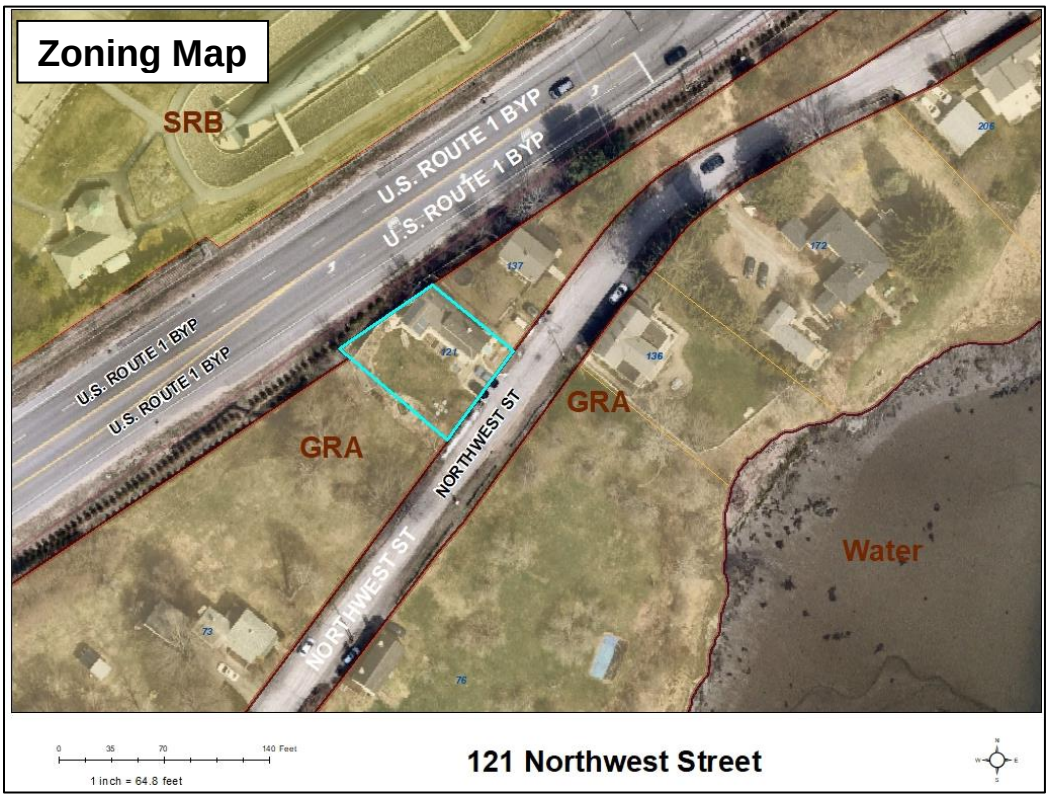
	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Construct attached porch	Primarily residential uses	
Lot area (sq. ft.):	5,844	5,844	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	5,844	5,844	7,500	min.
Street Frontage (ft.):	74	74	100	min.
Lot depth (ft.):	91.5’	91.5’	70	min.
Primary Front Yard (ft.):	12	12	15	min.
Left Side Yard (ft.):	38	28	10	min.
Right Side Yard (ft.):	2’5”	2’5”	10	min.
Rear Yard (ft.):	4’7”	**13.5’**	20	min.
Height (ft.):	19.5’	19.5’	35	max.
Building Coverage (%):	22	24	25	max.
Open Space Coverage (%):	72	69	30	min.
Parking:	2	2	1.3	
Estimated Age of Structure:	1855	Variance request shown in red.		

Other Permits/Approvals Required

HDC

Neighborhood Context





Previous Board of Adjustment Actions

August 1, 1955 – The Board denied a request to erect a commercial sign on the property.

March 23, 2010 – The Board granted variances to allow an addition with an 8' rear yard setback where 20' is required and to allow the expansion of a nonconforming structure.

Planning Department Comments

The applicant is proposing to add an attached screened porch onto the existing dwelling. The rear yard abuts the Route 1 Bypass, where the requested relief is proposed. All other dimensional requirements will be in compliance with the proposed addition. Approval from the HDC is required if the variance is granted.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. Granting the variance would not be contrary to the public interest.

Planning Department Comments 2. Granting the variance would observe the spirit of the Ordinance.

3. Granting the variance would do substantial justice.

4. Granting the variance would not diminish the values of surrounding properties.

5. The "unnecessary hardship" test:

(a)The property has special conditions that distinguish it from other properties in the area.

AND

(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

4.

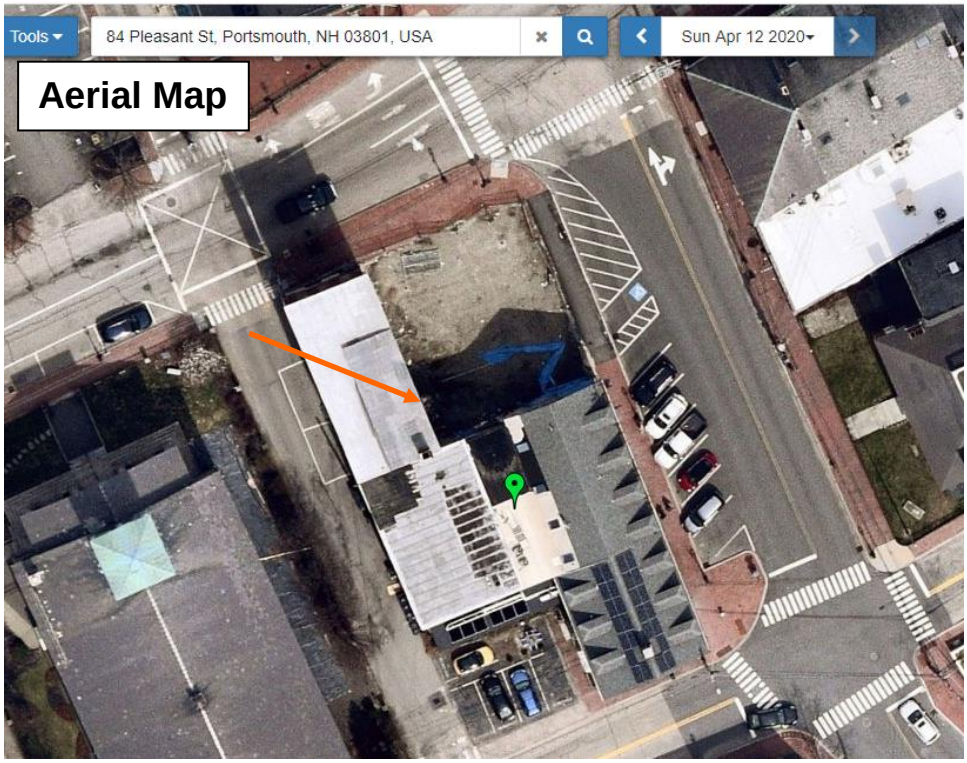
Petition of **PNF Trust of 2013 and 282 Middle Street, LLC, Owners**, for properties located at **266, 270 & 278 State Street & 84 Pleasant Street**, wherein relief is needed from the Zoning Ordinance to merge four lots into one as part of a redevelopment project including a four-story addition onto the existing building at 84 Pleasant Street which requires the following: Variances from Section 10.5A41.10C to allow a) an entrance spacing greater than 50' where 50' is the maximum allowed; b) 100% building coverage where 90% is the maximum allowed; c) 0% open space where 10% is the minimum required; d) a 4-story, 45' tall building where 2-3 stories or a short 4th and 45' is the maximum allowed; e) less than 70% shopfront façade glazing where 70% is the minimum required and less than 20% other façade types where 20% is the minimum required; and f) to allow more than 20% of the ground floor use to be residential where 20% is the maximum allowed. Said properties are shown on Assessor Map 107 Lots 77, 78, 79 & 80 and lie within the Character District 4 (CD4) District.

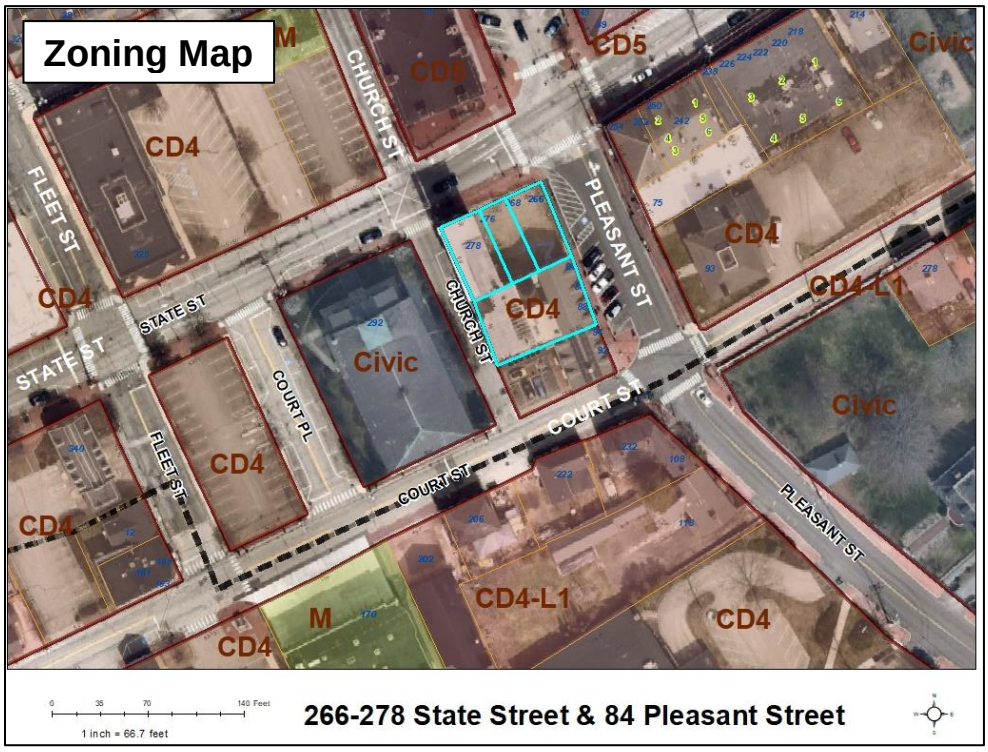
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required
Land Use:	Vacant	Merge lots for mixed use development	Primarily mixed uses
Lot area (sq. ft.):	1,458 1,440 1,518 3,866	8,447 (merged)	NR
Lot Area per Dwelling Unit (sq. ft.):	NA	~17 units	NR
Secondary Front Yard:	NA	0	15 max
Primary Front Yard (ft.):	NA	0	10 max
Right Side Yard (ft.):	NA	0	NR
Max. Entrance Spacing (ft.):	NA	**57**	50
Ground Floor Use:	NA	**23% Residential**	20% max. residential
Height (ft.):	NA	**45' 4th story**	2-3 Stories (short 4th)
Building Coverage (%):	NA	**100**	90
Open Space Coverage (%):		**0**	10
Façade Glazing: Shopfront: Other Facades	NA	**Less than 70%** **Less than 20%**	70% min. 20% min. to 50% max.
Parking		TBD	TBD
		Variance request shown in red.	

Other Permits/Approvals Required
Planning Board – Site Review; Possible CUP for Parking
HDC

Neighborhood Context





Previous Board of Adjustment Actions

May 28, 2019 – The Board granted the following variances for **266, 270 & 278 State Street:**

- Section 10.5A43.31 to allow a 55' height where 45' is the maximum allowed for 2-3 stories.
- To allow a structure to be designated as a penthouse without meeting the 15' setback from the edge of the roof as outlined in the definition of a penthouse.
- Section 10.5A41.10C to allow 93% building coverage where 90% is the maximum allowed and a 3' rear setback from the lot line at the center building where 5' is the minimum required.

These variances where granted with the following stipulation:

With the granting of the variance for building coverage, 7% open space is allowed.

November 21, 2017 – The Board denied the appeal of an HDC decision to issue a demolition permit with the following stipulation:

- The Board stipulates that the applicant work with the Historic District Commission to arrive at a mutually agreeable plan for the property. The Board further stipulates that any reconstruction of the existing building must, at a minimum, fully preserve the State Street side façade and the Church Street side façade of the existing building.

August 20, 2013 – The Board granted a special exception to allow a religious place of assembly at 84 Pleasant Street.

November 21, 2017 – The Board granted the following variances for **84 Pleasant Street**:

- Section 10.5A41.10C to allow the following: a) 0% open space where 10% is required; and b) 100% building coverage where 90% is the maximum allowed.
- Section 10.1111.10 to allow a change in the use or intensification of use in an existing building or structure without providing off-street parking.
- Section 10.1111.20 to allow a use that is nonconforming as to the requirements for off-street parking to be enlarged or altered without providing off-street parking for the original building, structure or use and all expansions, intensifications or additions.
- Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

As part of the ongoing redevelopment of this block, the applicant has purchased 84 Pleasant Street and incorporated it into the project. The proposal is to merge the four

lots into one and incorporate the 84 Pleasant Street building into the project. The proposed new lot, in conjunction with the proposed development, will result in 100% coverage and 0% open space. As stipulated in the denial of the HDC appeal in 2017, the project must preserve the Church Street façade of the Times building. This portion does not meet the required 50 foot minimum for entrance spacing and the applicant is requesting a variance from this requirement.

The height limit is 2-3 stories and 45' tall and a short story is permitted. What is proposed is not considered a short fourth, but a full story because it is not a mansard roof nor is it 20% shorter than the story below, thus a variance is needed for the fourth story.

The shopfront façades are along State and Pleasant Street and other façade types apply Church Street. The applicant has outlined the proposed façade percentages in the application, showing the proposed percentages for both types.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. Granting the variance would not be contrary to the public interest.

Planning Department Comments 2. Granting the variance would observe the spirit of the Ordinance.

3. Granting the variance would do substantial justice.

4. Granting the variance would not diminish the values of surrounding properties.

5. The "unnecessary hardship" test:

(a)The property has special conditions that distinguish it from other properties in the area.

AND

(b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

5.

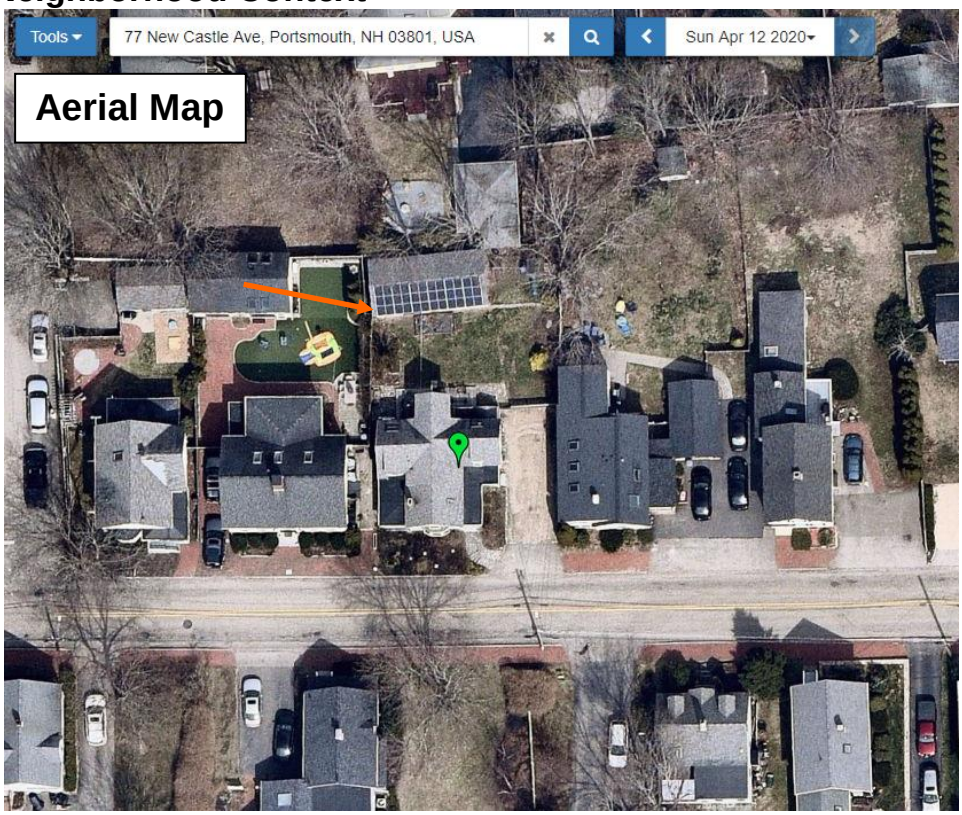
Petition of the **Elisabeth Blaisdell Revocable Trust, Owner**, for property located at **77 New Castle Avenue**, wherein relief is needed from the Zoning Ordinance to install a mini-split unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 2' side yard setback where 10' is required. Said property is shown on Assessor Map 101 Lot 50 and lies within the General Residence B (GRB) District.

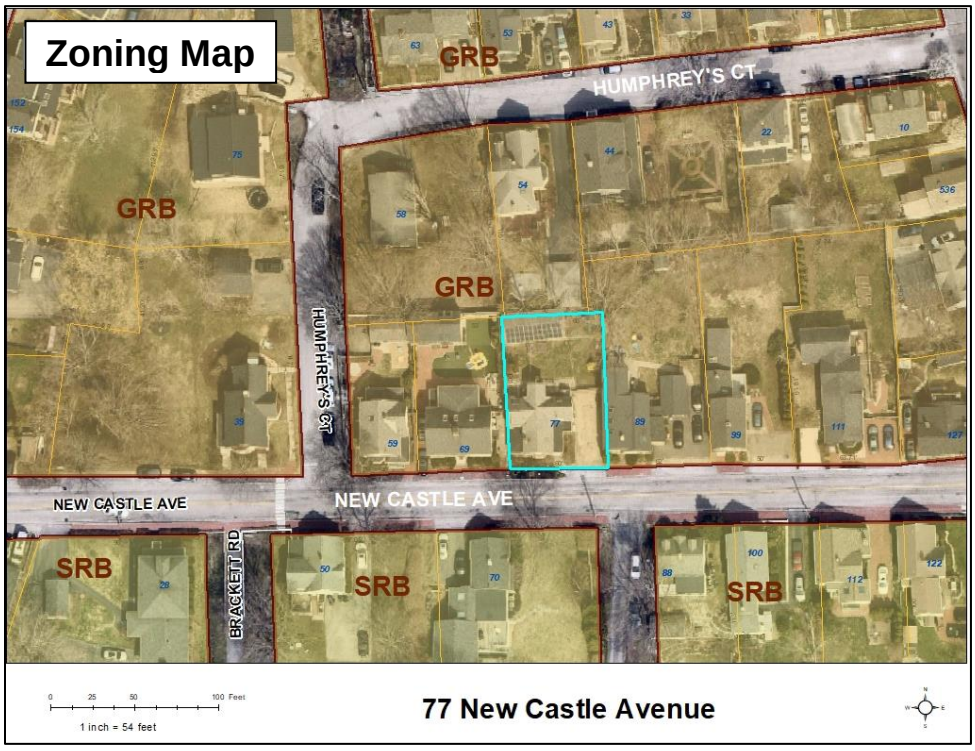
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Add Mini Split	Primarily Single Family	
Lot area (sq. ft.):	6,098	6,098	5,000	min.
Lot Area per Dwelling Unit (sq. ft.):	6,098	6,098	5,000	min.
Street Frontage (ft.):	60	60	80	min.
Lot depth (ft.):	100	100	60	min.
Primary Front Yard (ft.):	6 (house)	6 (house)	5	min.
Left Side Yard (ft.):	4 (garden shed)	**2** (Mini split)	10	min.
Right Side Yard (ft.):	22 (garden shed)	22 (garden shed)	10	min.
Rear Yard (ft.):	3 (garden shed)	3 (garden shed)	25	min.
Building Coverage (%):	30	30	30	max.
Open Space Coverage (%):	>25	>25	25	min.
Parking:	2	2	1.3	
Estimated Age of Structure:	2013 (garden shed)	Variance request shown in red.		

Other Permits/Approvals Required
HDC

Neighborhood Context





Previous Board of Adjustment Actions

September 17, 2013 - The Board denied the following variances:

- Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinance.
- Sections 10.572 and 10.521 to allow a left side yard of 1.5'± where 10' is the minimum required for an accessory structure.
- Sections 10.573.20 and 10.521 to allow a rear yard setback of 3'± where 15' is the minimum required for an accessory structure.

October 22, 2013 – The Board granted the following variances:

- Section 10.321 to allow a lawful nonconforming structure to be extended, reconstructed, enlarged or structurally altered in a manner that is not in conformity with the Ordinances.
- Sections 10.572 and 10.521 to allow a left side yard setback of 3.0'± for the barn where 10' is the minimum required for an accessory structure.
- Sections 10.573.20 and 10.521 to allow a rear yard setback of 3'± for the barn where 10.5' is the minimum required for an accessory structure.

Planning Department Comments

The applicant is proposing to add an HVAC unit to the accessory structure in order to convert a portion to a home office. The existing structure received variances as shown in the history above.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

6.

Petition of **Gregory & Elizabeth LaCamera, Owners**, for property located at **200 McDonough Street**, wherein relief is needed from the Zoning Ordinance to demolish the existing structure and construct a new single family dwelling which requires the following: 1) Variance from Section 10.521 to allow: a) a lot area and lot area per dwelling unit of 2,588 square feet where 3,500 is required for each; b) 39.5% building coverage where 35% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 144 Lot 29 and lies within the General Residence C (GRC) District.

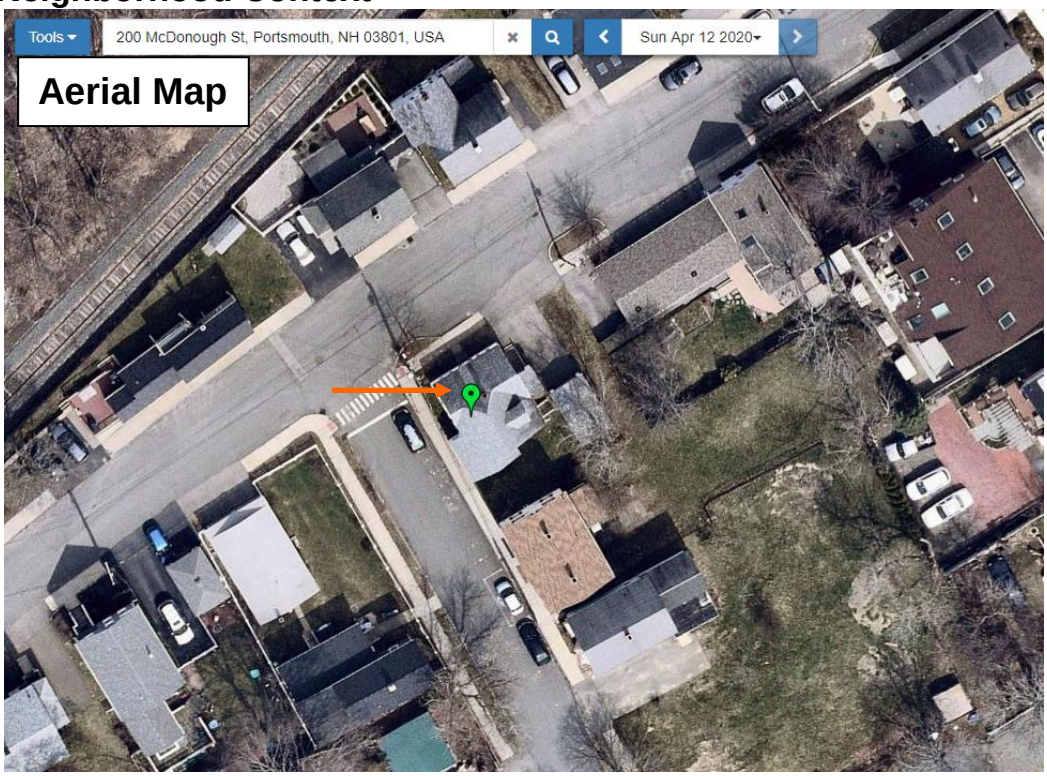
Existing & Proposed Conditions

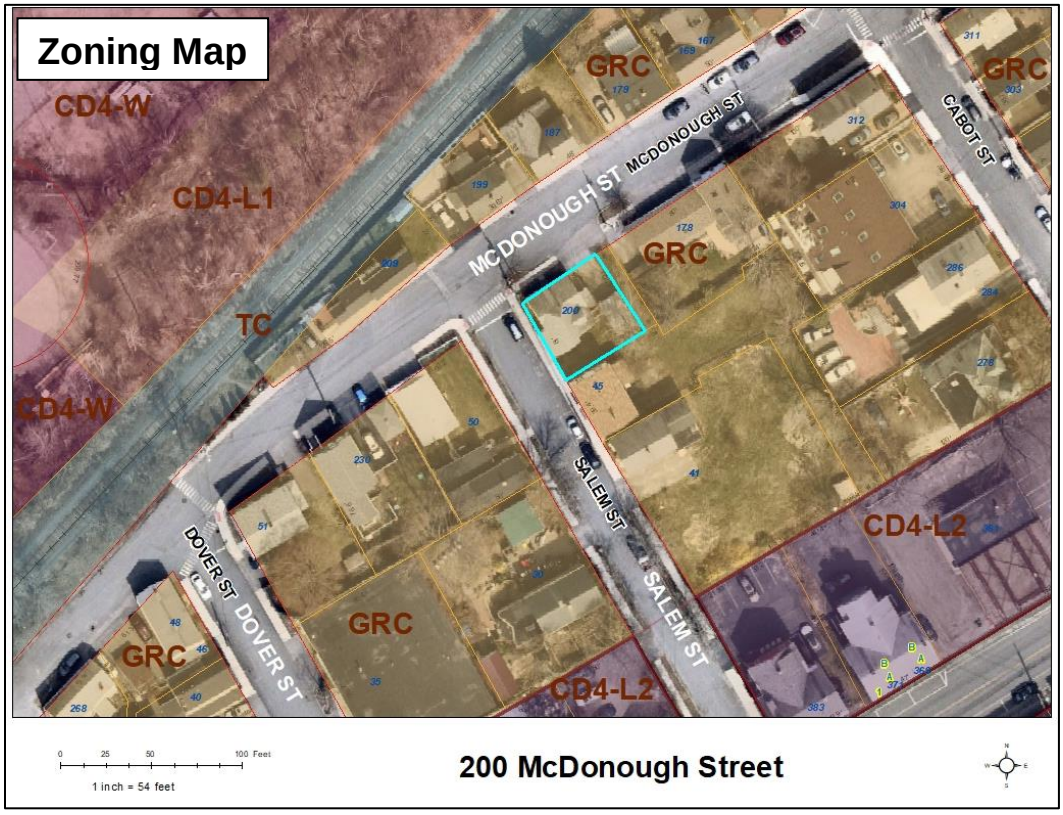
	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Demo existing and construct new dwelling	Primarily Residential Uses	
Lot area (sq. ft.):	2,588	**2,588**	3,500	min.
Lot Area per Dwelling Unit (sq. ft.):	2,588	**2,588**	3,500	min.
Street Frontage (ft.):	100	100	70	min.
Lot depth (ft.):	52	52	50	min.
Primary Front Yard (ft.):	1.45’	1	0.5’ per Section 10.516.10	min.
Secondary Front Yard (ft.):	0	1	0.5’ per Section 10.516.10	min.
Left Side Yard (ft.):	1.5	10	10	min.
Rear Yard (ft.):	5.8’	20	20	min.
Height (ft.):	<30	33	35	max.
Building Coverage (%):	46	**39.5**	35	max.
Open Space Coverage (%):	28	50	20	min.
Parking:	2	2	1.3	
Estimated Age of Structure:		Variance requests shown in red.		

Other Permits/Approvals Required

None.

Neighborhood Context





Previous Board of Adjustment Actions

May 24, 2016 – The Board denied the following variances requested to build a single family home on a pre-existing nonconforming lot:

- To allow a nonconforming building or structure to be reconstructed except in conformity with the Ordinance;
- To allow a structure obstructing visibility on a corner lot between the heights of 2.5' and 10' above the edge of pavement grades within the area outlined in the Ordinance;
- To allow a) a secondary front yard setback of 1.2'± where 5' was required; b) a 1.8'± left side yard setback where 10 was required; and c) 44.4%± building coverage where 35% was the maximum allowed.

June 28, 2016 – The Board granted the following variances:

- Section 10.321 to allow a nonconforming building or structure to be reconstructed except in conformity with the Ordinance.
- Section 10.516.30 to allow a structure obstructing visibility to be erected on a corner lot between the heights of 2.5' and 10' above the edge of pavement grades within the area outlined in the Ordinance.

Planning Department Comments

The applicant is proposing to demolish the existing structure and construct a new single family dwelling. The lot is nonconforming to lot area and lot area per dwelling unit. The proposed new dwelling will conform to all dimensional requirements except building coverage and the applicant is seeking relief for that requirement. The front setback can be reduced per Section 10.516.10 for front yard alignments. This allows the new structure to be closer to the corner and comply with the side and rear yards.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

7.

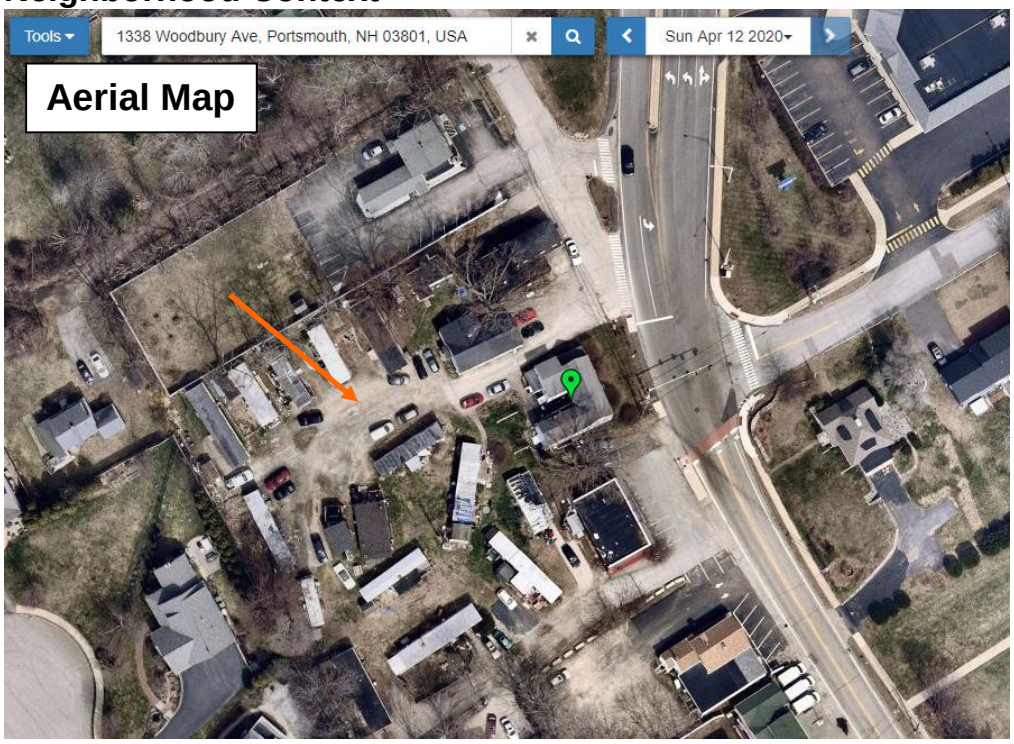
Petition of the **Woodbury Avenue Cooperative, Inc., Owner**, for property located at **1338 Woodbury Avenue**, wherein relief is needed from the Zoning Ordinance to demolish the existing structures and replace them with 6 new mobile home units which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 3,480 square feet where 7,500 square feet per dwelling is required. 2) A Variance from Section 10.334 to allow a lawful nonconforming use to be extended, enlarged or changed except in conformity with the Ordinance. Said property is shown on Assessor Map 237 Lot 70 and lies within the Mixed Residential Business (MRB) District.

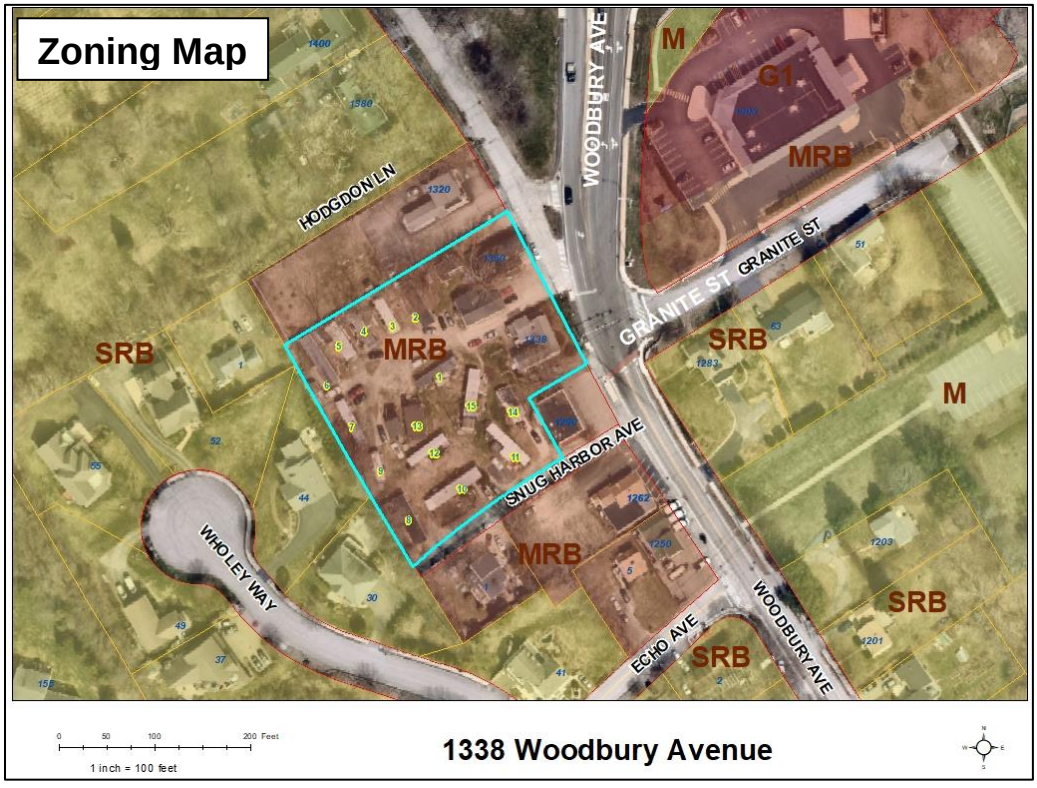
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Mobile homes	6 new Single mobile homes	Primarily Mixed Uses	
Lot area (sq. ft.):	66,121	66,121	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	3,480	**3,480**	7,500	min.
Street Frontage (ft.):	>100	>100	100	min.
Lot depth (ft.):	>80	>80	80	min.
Primary Front Yard (ft.):	>5	>5	5	min.
Right Yard (ft.):	10	10	10	min.
Left Yard (ft.):	>10	>10	10	min.
Rear Yard (ft.):	>15	>15	15	min.
Height (ft.):	<35	<35	40	max.
Building Coverage (%):	23	21.2	40	max.
Open Space Coverage (%):	52	52	25	min.
		Variance request shown in red.		

Other Permits/Approvals Required
Planning Board – Site Plan Review

Neighborhood Context





Previous Board of Adjustment Actions

May 25, 2004 - The Board **granted** a variance to replace a pre-existing non-conforming trailer that was claimed to be unsafe with a newer trailer of the same size.

May 24, 2005 – The Board **granted** a variance to allow a 14' x 56' mobile home replacing a 10' x 56' mobile home destroyed by fire.

August 19, 2011 – The Board **granted** a variance to construct an 8' x 14' rear sunroom with a 12' rear yard setback, 15' required.

December 17, 2013 – The Board **granted** variances to allow a recreational vehicle to be used as a residence and to allow a lawful nonconforming use to be enlarged or changed without conforming to the requirements of the Ordinance. The variances were granted with the stipulation that they were granted for a one-year period from the date of the December meeting and would lapse if the recreational vehicle was not replaced by a manufactured housing structure by December 17, 2014.

September 26, 2017 – The Board took action on the following variances:

- Section 10.521 to allow (a) a lot area per dwelling unit of 3,149'± s.f. where 7,500 s.f. is required **Granted**; and (b) to allow right side yard setbacks for the four manufactured home units respectively of 6.4'±, 7.3'±, 2.5'±, and 1.7'± where 10' is required **Not Granted**.
- Section 10.334 to allow a lawful nonconforming use to be extended, enlarged or changed except in conformity with the Ordinance. **Granted**

September 24, 2019 – The Board granted a one year extension of the above variances until September 26, 2020.

Planning Department Comments

This property was before the Board in 2017 and received variances to begin improving the site as shown in the history above and subsequent extension in 2019 that expired on September 26, 2020. They are seeking a variance for lot area per dwelling unit and have included 2 additional new replacement mobile homes as part of this application.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

8.

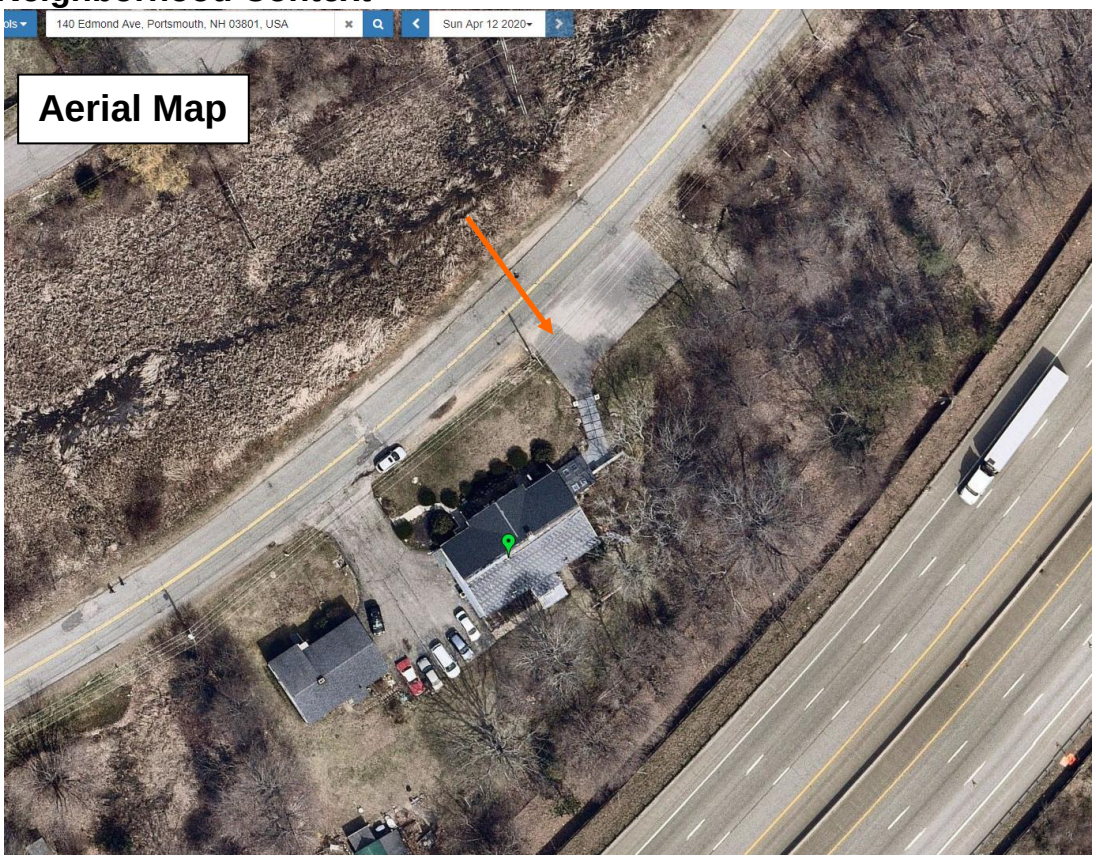
Petition of **Bacman Enterprises, Inc., Owner**, for property located at **140 Edmond Avenue**, wherein relief is needed from the Zoning Ordinance to redesign previously approved parking which requires the following 1) Variance from Section 10.1113.20 to allow off-street parking spaces to be located in the required front yard or between a principal building and the street. 2) Variance from Section 10.1114.32(a) to allow vehicles to enter and leave a parking area by backing out into or from a public street or way. 3) Variance from Section 10.1114.32(b) to allow vehicles to enter and leave each parking space without requiring the moving of any other vehicle. Said property is shown on Assessor Map 220 Lot 81 and lies within the Single Residence B (SRB) District.

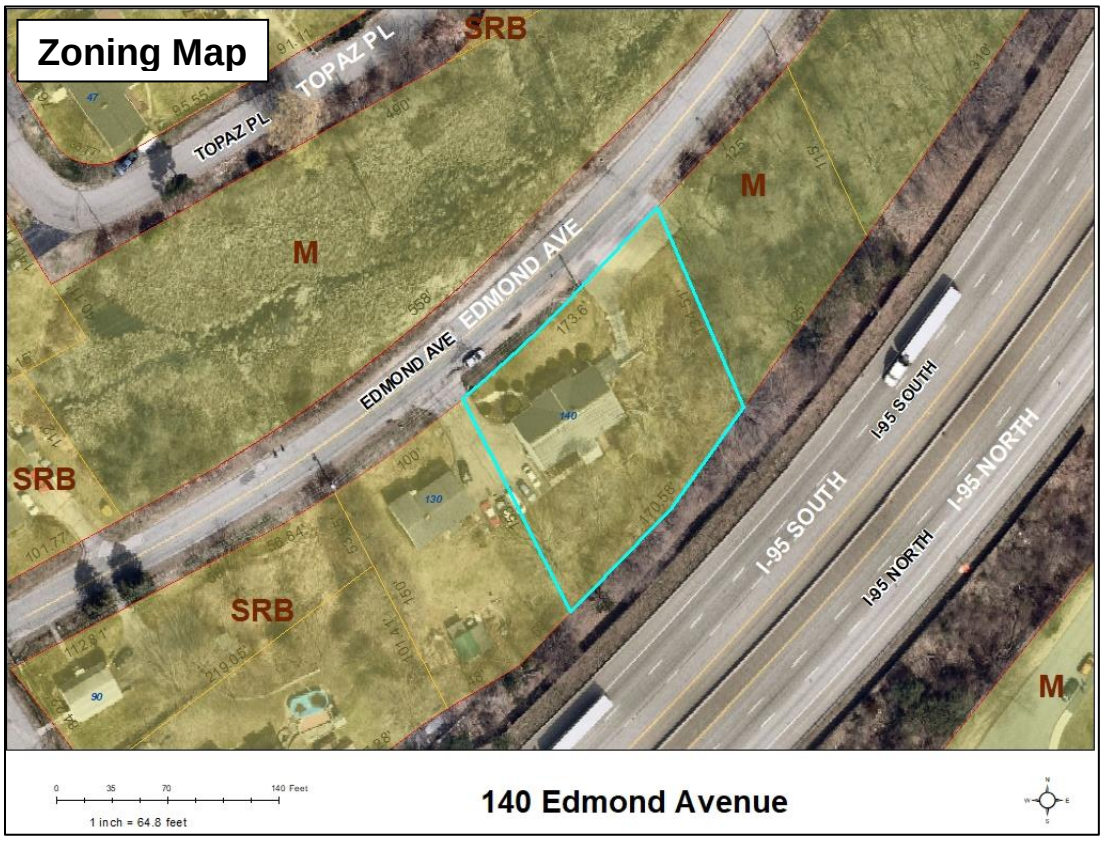
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Two-family/ office	Two-family/medical office	Primarily Single Family	
Lot area (sq. ft.):	23,176	23,176	15,000	min.
Lot Area per Dwelling Unit (sq. ft.):	11,588	11,588	15,000	min.
Street Frontage (ft.):	>100	>100	100	min.
Lot depth (ft.):	154	154	100	min.
Primary Front Yard (ft.):	>30	>30	30	min.
Right Yard (ft.):	>10	>10	10	min.
Left Yard (ft.):	>10	>10	10	min.
Rear Yard (ft.):	>30	>30	30	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	12	12	20	max.
Open Space Coverage (%):	71	71	40	min.
Parking	9	9*	12	
Estimated Age of Structure:	1957	Variance request shown in red. *Will need parking CUP for providing less than required.		

Other Permits/Approvals Required
Planning Board/TAC – Site Review
Conservation Commission/Planning Board – Wetlands CUP

Neighborhood Context





Previous Board of Adjustment Actions

May 23, 1978 – the Board **granted** 300+ sf chiropractic office as part of a residence with the following stipulations:

- 5 parking spaces be established and kept separate from the existing driveway
- that the regularly scheduled office hours not include Saturday or Sunday.

August 17, 2004 - the Board **denied** variances to allow the entire lower level of the 2,300+ sf building to be used as a chiropractic office and to allow the additional required parking to back out onto the street and park one behind another.

September 28, 2004 - the Board **denied** a Request for Rehearing. The owner subsequently appealed the denial to the Superior Court and there was an Administrative Inspection with the City Attorney, the Chief Planner, the Chief Building Inspector and the petitioner's reference to the plan submitted by the Petitioner on April 20, 2005.

May 17, 2005 – (This meeting was preceded by a hearing in Superior Court with a subsequent Order to Bacman Enterprises regarding a new application to be submitted and surveyed site plan) The Board **granted** variances to allow the entire lower level to be used as a chiropractic office where a 300s.f. office and 5 parking spaces had been approved in 1978 in a district where the use was not allowed and to allow required parking to back out onto the street and park one behind another. The variances were subject to the **stipulations** that an engineered site plan, including parking spaces conforming in size and location as depicted on the plan be provided and that the property must meet current codes as referenced in the staff memorandum to the board.

August 16, 2005 – The Board **accepted** an engineered site plan submitted for approval as stipulated in the granting of the variances at the May 17, 2005 meeting.

April 18, 2006 – The Board granted a variance extension through May 16, 2007.

June 23, 2019 – The Board voted to grant variances as follows:

- Section 10.333 to allow a nonconforming use to be extended into other parts of the building;
- Section 10.1113.20 to allow off-street parking spaces to be located in the required front yard or between a principal building or the street; and
- Section 10.1114.32 to allow vehicles to enter or leave a parking area by backing out, into or from a public street or way.

Planning Department Comments

The Board granted variances on July 23, 2019 as shown in the history and in the applicant's narrative related to extending the medical office use and for off-street parking. The applicant is currently going through the site review process with the Technical Advisory Committee (TAC). The off street parking parallel with Edmond Ave was discussed and the Committee advised the applicant to try to accommodate more

spaces in the parking area and eliminate the parallel parking on Edmond Ave. Because of the revised layout, the applicant must seek the same variances that were granted in 2019 as well as from Section 10.1114.32(b) to allow tandem parking.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

9.

Petition of **Karen & Rick Rosania, Owners**, for property located at **32 Boss Avenue**, wherein relief is needed from the Zoning Ordinance to add a second story to an existing dwelling and enclose rear deck which requires the following: 1) A Variance from Section 10.521 to allow a 14' front yard where 30' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 153 Lot 5 and lies within the Single Residence B (SRB) District.

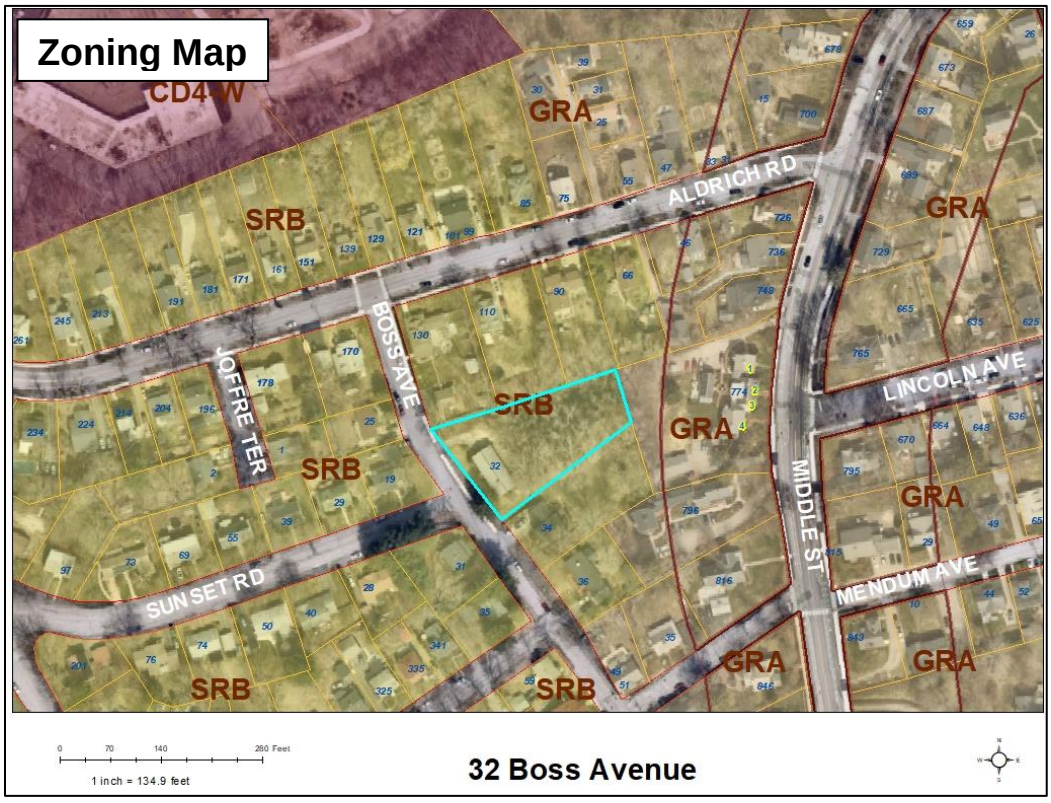
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	2nd story addition	Primarily Single Family	
Lot area (sq. ft.):	27,178	27,178	15,000	min.
Lot Area per Dwelling Unit (sq. ft.):	27,178	27,178	15,000	min.
Street Frontage (ft.):	155	155	100	min.
Lot depth (ft.):	269	269	100	min.
Primary Front Yard (ft.):	18	**14**	30	min.
Right Yard (ft.):	20	20	10	min.
Left Yard (ft.):	58	58	10	min.
Rear Yard (ft.):	191	191	30	min.
Height (ft.):	<35	<35	35	max.
Building Coverage (%):	>20	>20	20	max.
Open Space Coverage (%):	>40	>40	40	min.
Parking	2	2	1.3	
Estimated Age of Structure:	1960	Variance request shown in red.		

Other Permits/Approvals Required
Planning Board/CC – Wetland CUP (Determination pending)

Neighborhood Context





Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The applicant seeks to construct a second story onto the existing dwelling and enclose a rear deck. The house is situated towards the front of the property due to wetlands that are located in the center of the lot. The existing house is 18 feet from the from lot line and the addition call for a front portico that will encroach an additional 4 feet, creating a 14 foot front setback. The front yard averaging provision does not help in this case, as the average is greater than the existing setback.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.

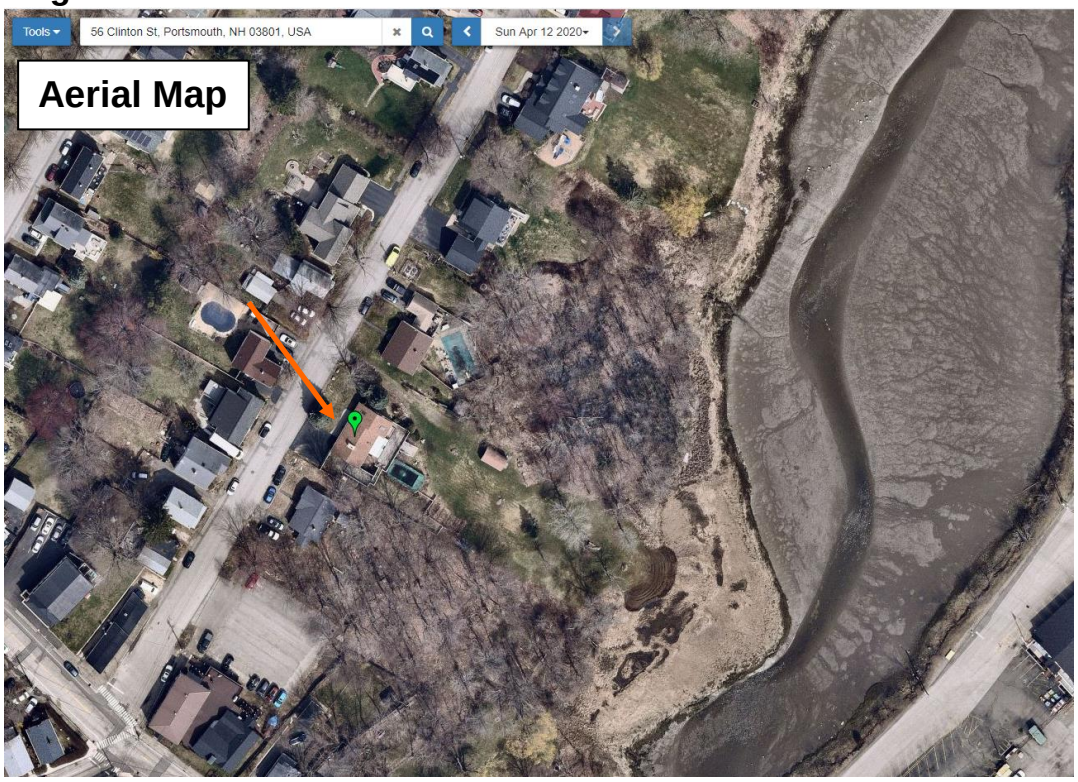
Petition of **Lori Sarsfield, Owner**, for property located at **56 Clinton Street**, wherein relief is needed from the Zoning Ordinance for the addition of attached one car garage which requires the following: 1) A Variance from Section 10.521 to allow a 5' right side yard where 10' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 158 Lot 6 and lies within the General Residence A (GRA) District.

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Construct attached 1 car garage	Primarily residential uses	
Lot area (sq. ft.):	28,348	28,348	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	28,348	28,348	7,500	min.
Street Frontage (ft.):	100	100	100	min.
Lot depth (ft.):	308	308	70	min.
Primary Front Yard (ft.):	31	27	15	min.
Left Side Yard (ft.):	30	30	10	min.
Right Side Yard (ft.):	7'7"	**5**	10	min.
Rear Yard (ft.):	221	221	20	min.
Height (ft.):	17	19	35	max.
Building Coverage (%):	6.5	9	25	max.
Open Space Coverage (%):	81	81	30	min.
Parking:	2	2	1.3	
Estimated Age of Structure:	1945	Variance request shown in red.		

Other Permits/Approvals Required
None.

Neighborhood Context





Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The applicant seeks to construct a rear addition and add a one car garage on the right side of the house. The garage addition will encroach into the side yard 5 feet, where it is currently 7'7". All other dimensional requirements are in compliance with the lot and structure.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

11.

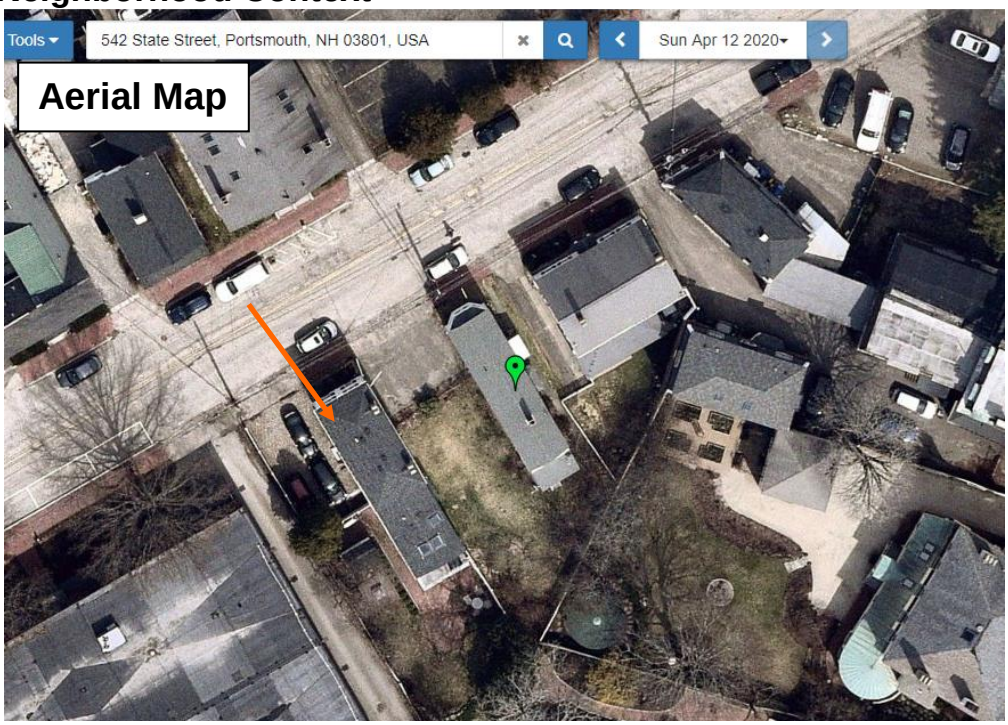
Petition of **Matthew & Sarah Currid, Owners**, for property located at **542 State Street**, wherein relief is needed from the Zoning Ordinance to convert a single-family dwelling into a two-family with new 10' x 18' two-story deck which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 2,175 square feet where 7,500 square feet per dwelling is required. Said property is shown on Assessor Map 127 Lot 18 and lies within the Mixed Residential Office (MRO) District.

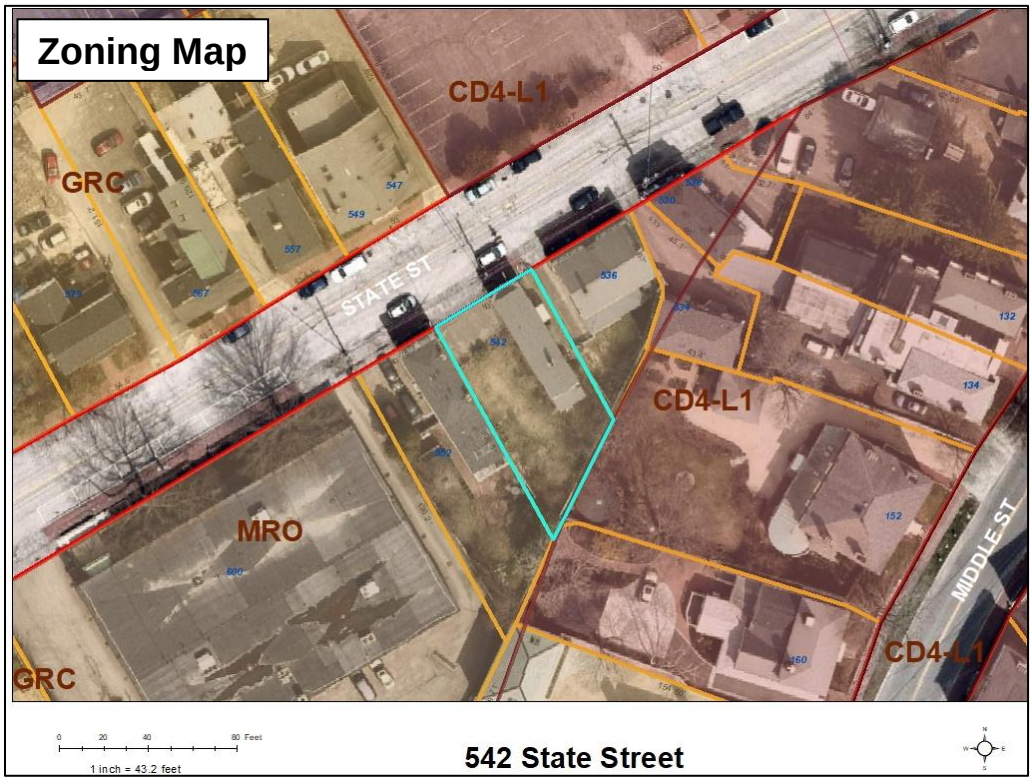
Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single family	Convert to two family	Primarily Single Family	
Lot area (sq. ft.):	4,612	4,612	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	4,612	**2,175* (2,306 actual)**	7,500	min.
Street Frontage (ft.):	50	50	100	min.
Lot depth (ft.):	107	107	80	min.
Primary Front Yard (ft.):	5	5	5	min.
Left Side Yard (ft.):	7	7	10	min.
Right Side Yard (ft.):	30	20	10	min.
Rear Yard (ft.):	21	21	15	min.
Height (ft.):	22	22	40	max.
Building Coverage (%):	18	22	40	max.
Open Space Coverage (%):	58	54	25	min.
Parking:	3	3	1.3	
Estimated Age of Structure:	1840	Variance request shown in red. *Indicated in application and legal notice		

Other Permits/Approvals Required
None

Neighborhood Context





Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The applicant seeks to convert the existing single family into a two family dwelling and add a second story deck with egress. The applicant could seek the conversion to a two-family under Section 10.812, which allows a dwelling existing prior to January 1, 1980 to be converted to a multifamily dwelling, however the addition of the deck precludes them from using this provision in the Ordinance. In the MRO, the lot area per dwelling unit can be reduced to 1,500 square feet if there are no exterior changes except for minimum egress, and the lot conforms to open space building coverage and provides the required parking. The addition of the two-story deck is an exterior change that exceeds the minimum egress, therefore the conversion to a two family must comply with the 7,500 square feet per dwelling unit.

The applicant initially stated the lot area per dwelling unit would be 2,175 square feet, and this is what was advertised. However, the lot size is 4,612 which would result in a lot area per dwelling unit of 2, 306. If the Board grants approval of the request, the approval should note the correct square footage for the lot area per dwelling unit as 2,306.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

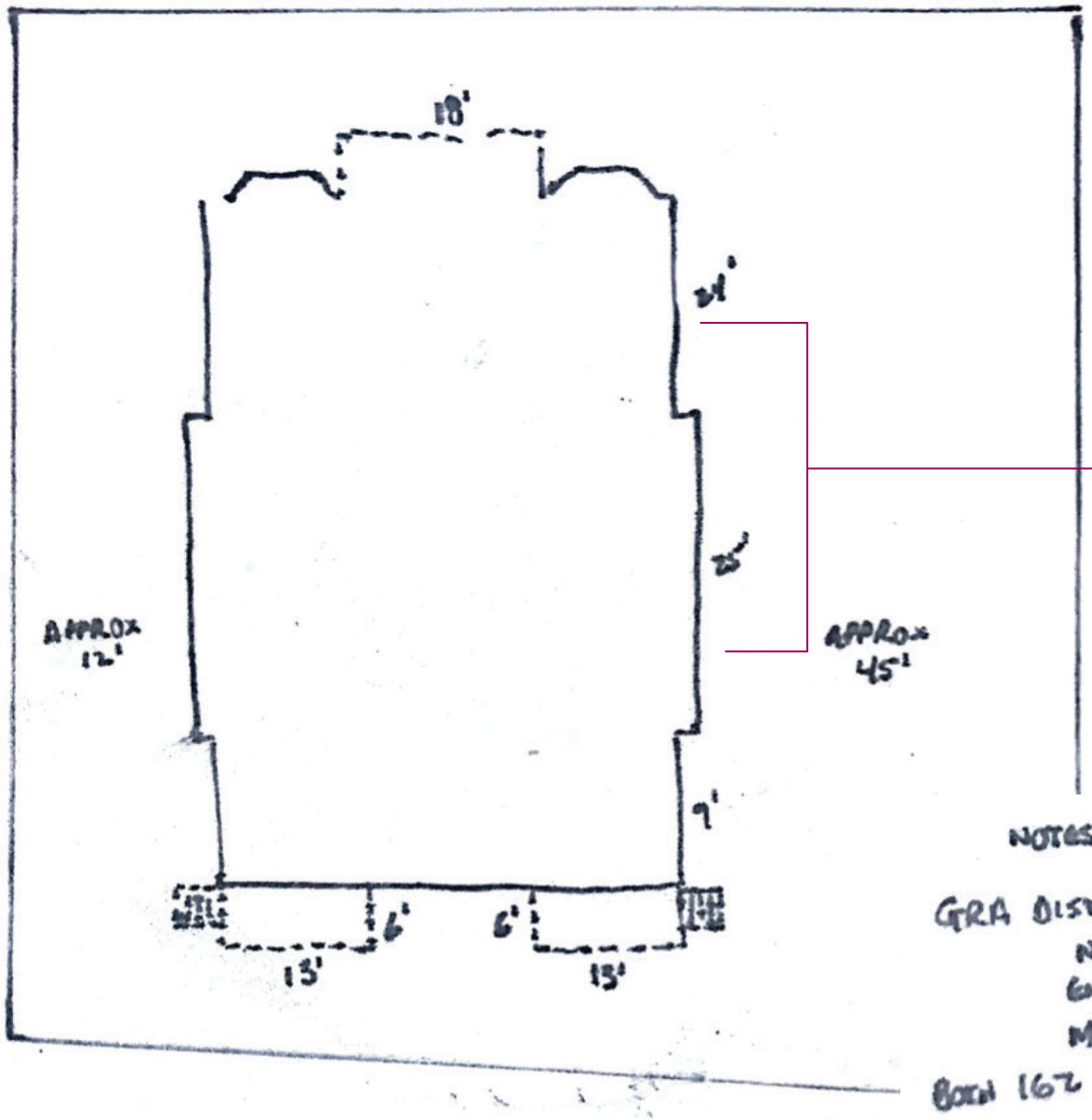
1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a)The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Variance Criteria

The variance will not be contrary to the public interest;	A variance for this deck to be built would have no impact on the public, on my neighbors, or the adjacent park area. The deck would only be for my use and any guests. Its' design and construction, and all materials used, would have no adverse impact on the community.
The spirit of the Ordinance will be observed;	The single issue of percentage of lot coverage is the only conflict with the ordinance. This is a small footprint for the proposed deck, and both its design and future use will have minimum impact on the association property and the property of any neighbors. The minimal intrusion is certainly within the spirit of the intention of the ordinance, the resistance to overbuilding density in a residential zone.
Substantial justice will be done;	The unit I own is in a building built around 1900. At the time of its construction, there were no decks attached to any of the four apartments other than for means of egress. When renovated and turned into condominiums in 1983 the two upper level units had private leisure enjoyment decks built on the rear of the building and rooftop. My unit did not have a deck built at that time of conversion. Because recreational use of decks or porches has become a common part of home design and modern living, this would allow me a convenience that most homes in my area currently enjoy. There are numerous homes in my surrounding neighborhood that have deck/porch additions since the original construction, and have built footprints that exceed the lot coverage of the current zoning regulations.
The values of surrounding properties will not be diminished;	This project will have no negative effect on the values of property of any of my neighbors. If anything, it should add to the value of my property, and of all my neighbors.
Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship;	Literal enforcement of the ordinance would mean no building, addition, deck or existing deck enlargement could be allowed of our property. Our condo association has made a substantial investment to improve landscapes, walkways, and existing decks and fencing in the last two years. We plan to make more investments to our property in the 2021 as well. These improvements are all meant to improve our individual and joint property values, and enhance our quality of ownership. This deck would add to the living value of my property, our association, and the general neighborhood.

Site Plan 160 & 162 Rockland Street



Area of Prosposed Deck

SITE PLAN - APPROX - NOT TO SCALE, BUT SIDE SETBACKS ACCURATE WITHIN INCHES.

NOTES:

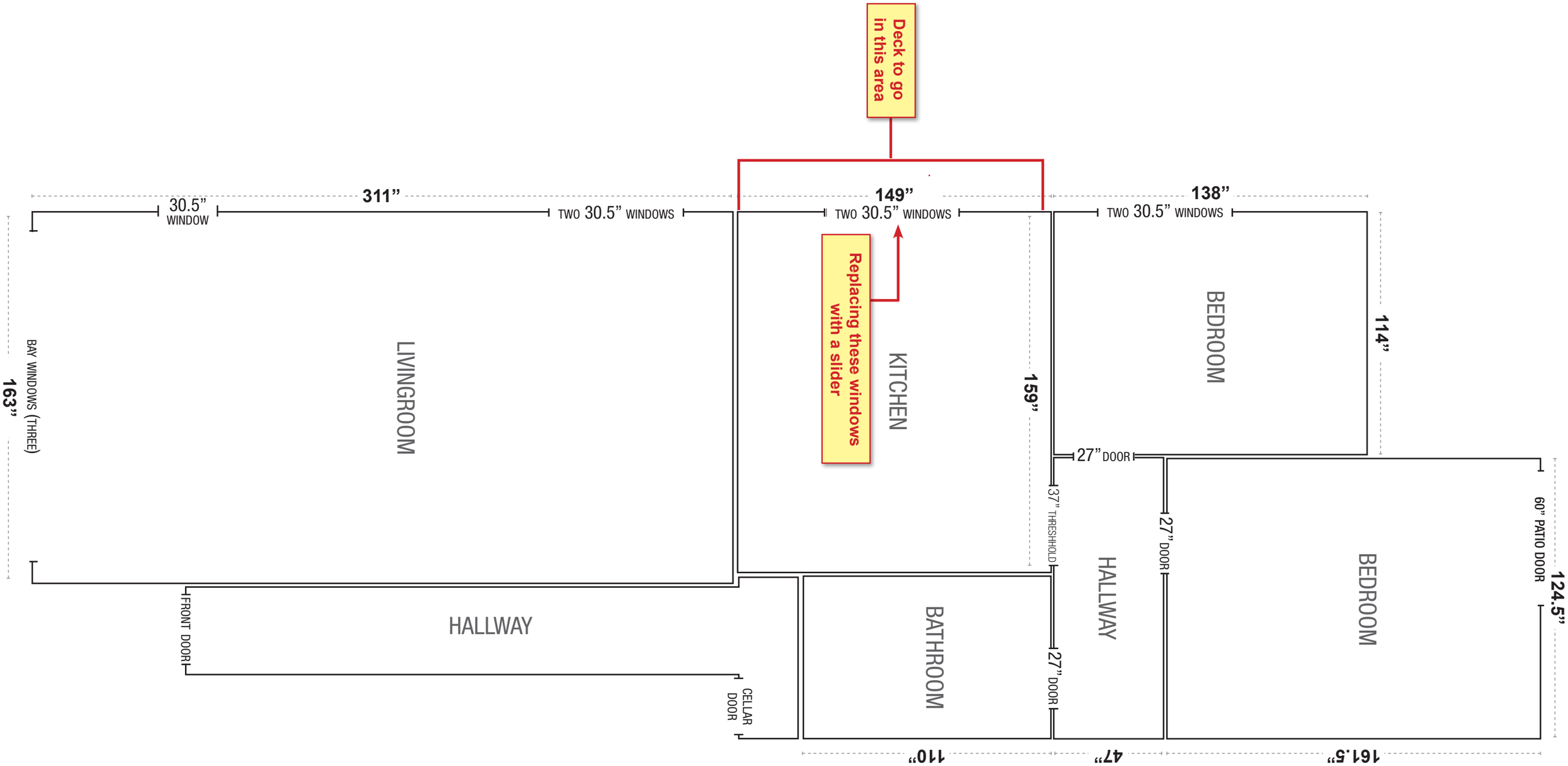
GRA DISTRICT - 20' REAR AND 10' SIDE SETBACKS NON-CONFORMING, ARTICLE 3 ALLOWS 5' ENCROACHMENT IN SETBACK FOR SECONDARY MEANS OF EGGRESS

BOTH 162 UNITS HAVE EXISTING EGGRESS AT REAR ONTO DECK

CONDOMINIUM CREATED IN 1983.

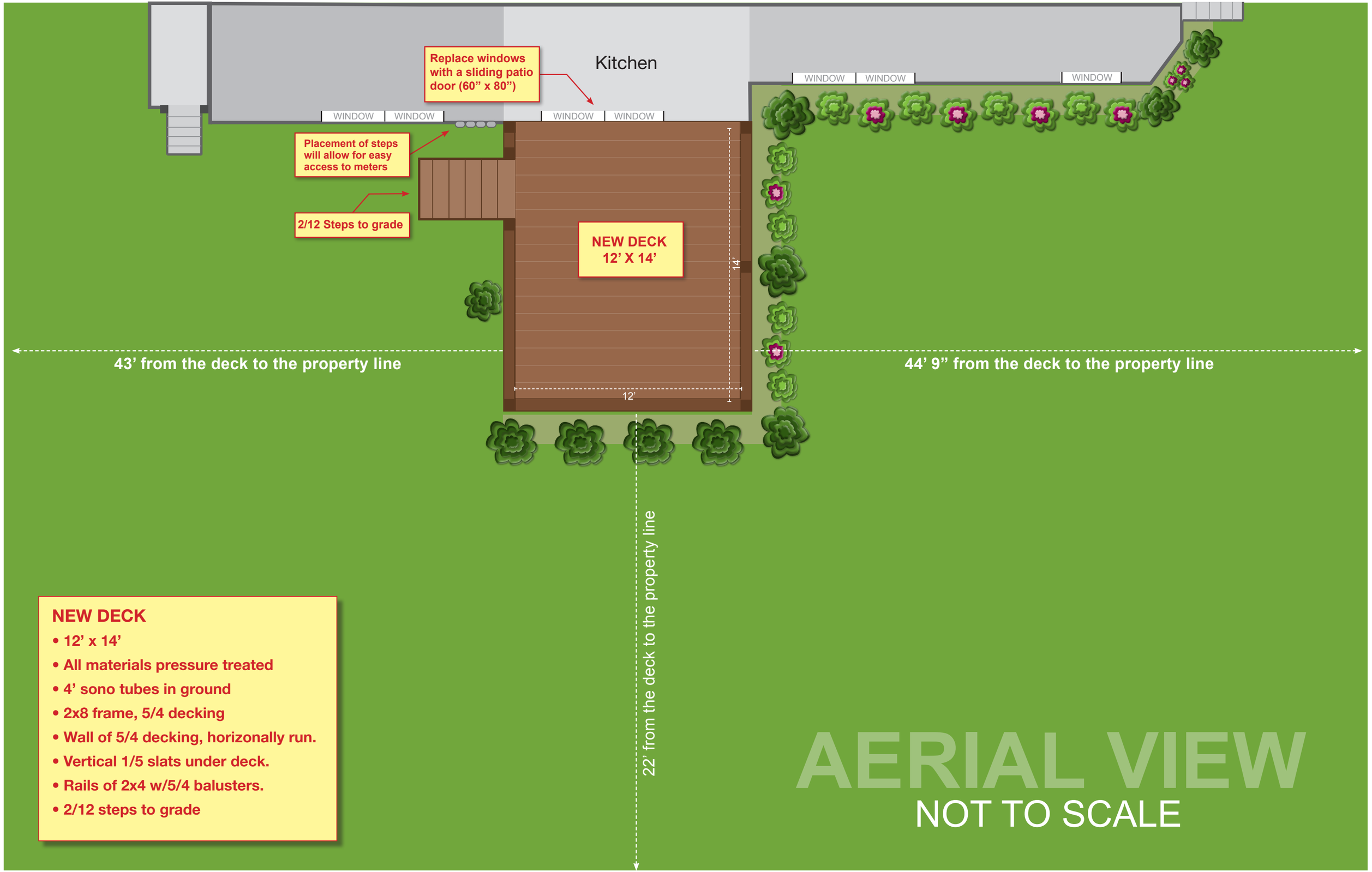


https://portsmouthnh.mapgeo.io/



160 #1 FLOOR PLAN

NOT TO SCALE

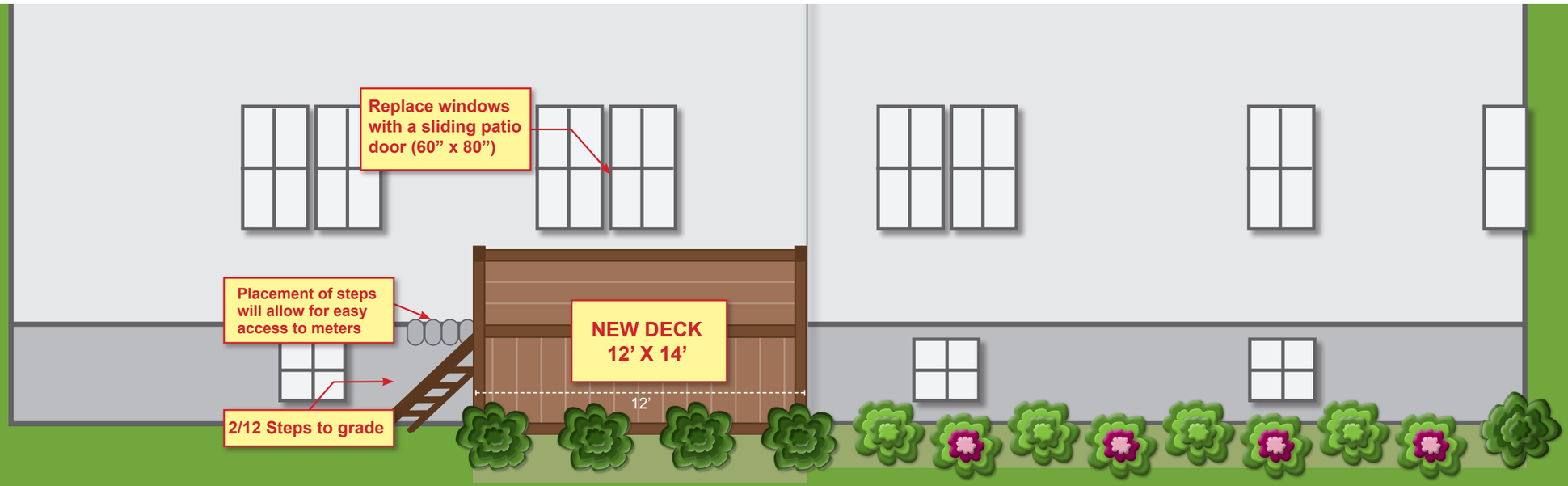


NEW DECK

- 12’ x 14’
- All materials pressure treated
- 4’ sono tubes in ground
- 2x8 frame, 5/4 decking
- Wall of 5/4 decking, horizonally run.
- Vertical 1/5 slats under deck.
- Rails of 2x4 w/5/4 balusters.
- 2/12 steps to grade

AERIAL VIEW

NOT TO SCALE



NEW DECK

- 12’ x 14’
- All materials pressure treated
- 4’ sono tubes in ground
- 2x8 frame, 5/4 decking
- Wall of 5/4 decking, horizonally run.
- Vertical 1/5 slats under deck.
- Rails of 2x4 w/5/4 balusters.
- 2/12 steps to grade

SIDE VIEW

NOT TO SCALE

Rockland Street Condominium Association
160-162 Rockland Street
Portsmouth, NH 03801

September 17, 2020

To Whom It May Concern:

This letter is to confirm that on September 2, 2020, Kelly Dobben-Annis of 160 Rockland Street, shared all documentation submitted to the city regarding adding a new deck off her kitchen with all the Owners of the Rockland Street Condominium (RSC) Association for their review.

Pending the city's approval, the Association's Board of Directors is in favor of allowing Kelly to move forward with adding a new deck off her kitchen.

Please feel free to reach out to me with any questions.

Sincerely,

Christine A. Avallone

Christine A. Avallone
RSC Association Secretary/Treasurer
chris4avallone@gmail.com
603-568-6260

144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com

DURBIN LAW

Durbin Law Offices, P.L.L.C.

Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
Also admitted in MA

VIA VIEWPOINT

September 22, 2020

City of Portsmouth
Zoning Board of Adjustment
Attn: David Rheaume, Chairman
1 Junkins Avenue
Portsmouth, NH 03801

RE: Variance Application of Amanda J. Telford, Trustee of the Amanda J. Telford Revocable Trust
322 Lincoln Avenue, Portsmouth

Dear Chairman Rheaume,

Our Office represents Amanda J. Telford, owner of property located at 322 Lincoln Avenue in Portsmouth. Attached herewith, please find the following materials for submission to the Zoning Board of Adjustment for consideration at its next regularly scheduled meeting:

1) Landowner Letter of Authorization;
2) Narrative to Variance Application;
3) Plan Set (Site Plan, Floor Plans and Elevations); and
4) Photographs of the Property;

Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,

Derek R. Durbin, Esq.

LETTER OF AUTHORIZATION

Amanda J. Telford, Trustee of the Amanda J. Telford Revocable Trust, owner of property located at 322 Lincoln Avenue, identified on Portsmouth Tax as Map 130, Lot 26 (the "Property"), hereby authorizes Durbin Law Offices PLLC, of 144 Washington Street, Portsmouth, New Hampshire 03801, to act as its agent and representative in connection with the filing of any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property. This Letter of Authorization shall be valid until expressly revoked in writing.

Amanda Telford

September 21, 2020

CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
APPLICATION NARRATIVE

Amanda J. Telford, Trustee
Amanda J. Telford Revocable Trust
322 Lincoln Avenue
Portsmouth, NH 03801
(Owner/Applicant)

INTRODUCTORY STATEMENT

Amanda Telford is the owner of the property located at 322 Lincoln Avenue, identified on Portsmouth Tax Map 130 as Lot 26 (the "Property"). The Property is zoned General Residence A ("GRA"). It is a 5,378 square foot lot with two structures on it – the Applicant's home and a small two-story outbuilding that most people refer to as a "carriage house" based on its design.

The carriage house, which is located to the rear of the Applicant's residence, was constructed in the early part of the 20th century based on the age of the wood comprising the structure, which is over 100 years old. The carriage house is structurally compromised. The wood sill is completely rotted and much of the foundation has caved in. This has created a convenient habitat for animals (i.e. racoons, skunks, etc.) which have taken up residence in the structure. The second floor of the structure has no structural support and as noted by the Applicant's architect in the design narrative submitted herewith, is "in imminent danger of catastrophic failure." Exhibit A. The Applicant currently uses the first floor of the carriage house to store personal belongings, including a motorcycle and yard equipment. The second floor is unused due to its condition.

It would be impractical and cost prohibitive for the Applicant to try to salvage the existing carriage house through a renovation. Because saving the structure is infeasible, the Applicant is proposing to demolish it and replace it with a new building that retains the carriage house style and has a similar, but improved appearance. The new carriage house would be slightly relocated to improve the existing right yard setback encroachment by 1', from 2'6" to 3'6", which will fall into line with the right side of the existing residence when viewed from Lincoln Street. The height of the new building will be the same as the former. The building footprint would increase negligibly by 9 square feet (0.03%) over what exists (35%). The existing carriage house has an irregular footprint as a result of a "jog" in one corner of the building that the Applicant desires to square off with the replacement structure.

The Applicant intends to use the first floor of the new carriage house for storage of personal belongings, as she has always done. The second floor of the carriage house would contain a home office. The Applicant has worked remotely from her home for several years, which has been challenging for her having two children that reside with her and not having a dedicated office space. The current covid-19 crisis has further exacerbated her need for a workspace outside of her residence, particularly with two children attending school remotely from home.

SUMMARY OF ZONING RELIEF

The Applicant seeks the following variance from the Zoning Ordinance:

1. A variance from Section 10.521 (Table of Dimensional Requirements) to allow for 35.3% (+/-) building coverage where 35% exists and 25% is the maximum allowed;

2. A variance from Section 10.521 to allow a right yard setback of 3'6 where 2'6" exists and 10' is the minimum required;

3. A variance from Section 10.521 to allow a rear yard setback variance of 13' where 13' exists and 20' is the minimum required; and

4. To allow a variance from Section 10.321 permitting a non-conforming structure to be reconstructed and enlarged without complying with the terms of the Ordinance.

VARIANCE CRITERIA

Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

In the case of *Chester Rod & Gun Club, Inc. v. Town of Chester*, the Court observed that the requirements that a variance not be "contrary to the public interest" or "injure the public rights of others" are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. 152 N.H. 577 (2005). The Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives." "Id. "There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." *Harborside Assoc v. Parade Residence Hotel,* 162 N.H. 508, 514 (2011).

The primary purpose behind boundary setback requirements is to maintain light, air and space between buildings on adjacent properties. The primary purpose of building coverage limitations is to prevent the overcrowding of land.

In the current instance, the right yard setback will be improved with the new carriage house, thus creating more light, air and space between it and the outbuilding on the abutting property over what exists. The carriage house will be relocated so that it falls in line with the Applicant's residence, which also encroaches into the right yard setback. The rear yard setback will remain the same. The 9 square foot increase associated with squaring off the structure will improve the appearance and functionality of the carriage house without creating an additional impact upon abutters. From a building density perspective, there will be no noticeable impact associated with

the 0.03% increase in lot coverage. There are many examples of outbuildings on properties throughout the Applicant's neighborhood that encroach upon one or more of the boundary setbacks. Moreover, many of the properties exceed the maximum lot coverage requirement. These are common characteristics of the properties in the neighborhood. Accordingly, the essential character of the neighborhood will not be negatively impacted by granting the variance relief sought.

In addition, there will be no negative impact to the public health, safety or welfare by granting the variance relief. To the contrary, it is in the public's interest to see that the existing carriage house, which is structurally unsound, be torn down and replaced with a structure that complies with all current building and life safety codes and has greater separation from the outbuilding on the abutting property.

The impact of the proposed carriage house is mitigated by the fact that there is an outbuilding of similar size located in close proximity on the adjacent property at 332 Lincoln Avenue (Tax Map 130, Lot 27). That structure is located approximately 1' from the right (west) boundary of the Applicant's property. Overall, the demolition of the existing carriage house and its reconstruction in the proposed location will represent an improvement to the property.

It is important to note that the most directly impacted abutters residing at 312 Lincoln Avenue (to the left), 332 Lincoln Avenue (to the right) and 29 Spring Street (to the rear) have all signed a letter of support, which is submitted herewith as Exhibit B.

Substantial justice will be done by granting the variance relief.

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); *Malachy Glen Assocs., Inc. v. Town of Chichester,* 155 N.H. 102 (2007).

There is no public benefit that would be realized by denying the variance. The carriage house has existed in its present location for over 100 years. It is unsafe in its current condition and represents a liability for Applicant. It is infeasible to salvage the existing structure, which serves as critical storage space for the Applicant. If the variance relief were denied, the Applicant would be unable to re-build the carriage house in-kind and would thus lose important storage space that she relies upon. In addition, she would be unable to create a home office on the Property apart from her residence. Finally, the carriage house is a unique and defining feature of the Property that gives it is current character. Losing this feature of the Property or forcing the Applicant to re-locate it or downsize it would create a hardship on the Applicant that is not outweighed by any corresponding benefit to the public.

The values of surrounding properties will not be diminished by granting the variance relief.

If the variances are approved, the proposed carriage house should only have a positive impact on surrounding property values. It will retain many characteristics of the existing carriage house design while improving upon its appearance and functionality and creating a code-compliant structure. This will positively impact the value of the Applicant's property, which should improve the values of those properties that surround it.

Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

The Property has special conditions that distinguish it from surrounding properties. The existing non-conforming carriage house on the Property pre-dates the adoption of the Zoning Ordinance. The Property is narrower and deeper than most of the surrounding properties. The narrowness of the Property makes it difficult, if not impossible, to build any new or replacement structure on the Property without violating the setback regulations. Moreover, the existing residence itself has a building footprint of approximately 1,335 square feet, which is only 9.5 square feet shy of reaching the building coverage limitation (25%). Outside of the existing residence, there is no room to expand upon the home or create a reasonably sized outbuilding without having to apply for setback and lot coverage relief under the Ordinance. Given the special conditions of the Property, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.

Finally, the proposed use of the Property is also reasonable. The use of the Property will remain unchanged if the variance relief is granted. The existing carriage house has always been primarily used as storage space. The Applicant's residence provides minimal storage space and lacks a dedicated home office, which are critical to her daily life. The re-constructed carriage house will fulfill these needs while improving the right yard setback by 1' and maintaining the limited back yard space that the Applicant currently has and enjoys.

CONCLUSION

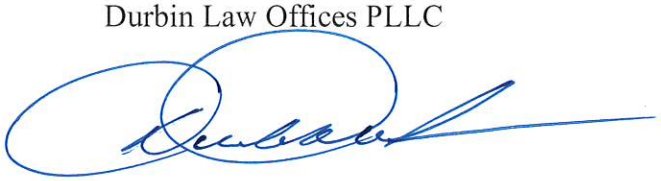
In conclusion, the Applicant has demonstrated that her application meets the five (5) criteria for granting the variance and respectfully requests that the Board approve his application.

Respectfully Submitted,

Dated: September 22, 2020

Amanda Telford

By and Through His Attorneys,
Durbin Law Offices PLLC



By: Derek R. Durbin, Esq.
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

Exhibit A

Placework

September 16, 2020
RE: 322 Lincoln Avenue

Dear Portsmouth Board of Adjustment Members:

I am writing to describe why we believe it is necessary to replace the the existing outbuilding on the 322 Lincoln Avenue lot, rather than repair it. The building was likely constructed in the early part of the 20th century; the existing wood structure and wood siding is likely over 100 years old. As such, the wood sill has rotted away around much of the foundation has caved in, crating large areas inhabited by neighborhood animals beneath the first floor. The structure has been altered several times on the interior of the building, to the point where beams meant to carry the second story are not longer bearing on anything below. Although the first floor is viable for storage, the second story is unsafe and the whole structure is rotted, listing, and in imminent danger of catastrophic failure.

Because merely repairing the structure is not technically feasible at this point, the owner wishes to replace the structure with a similar building in its place. The current building is used for storage and a motorcycle garage on the first floor; the second floor is not feasible for use even as storage due to the state of the structure. The building is colloquially referred to as a "carriage house", although the function of the original building is debatable. It has likely always been used as some form of lawn and garden storage. The proposed replacement building retains the footprint of the original, although straightens out a "bite" out of one corner for the sake of creating a more regular structure. The new building retains the original New England carriage house style, including a replication of the existing cupola, at the existing height. The eave height is raised in order to allow for a new home office within the building. The original dormer has been eliminated and additional windows added on the third floor to make it a more pleasant space to work during the day. (Note that the owner has worked from home for several years; the need for a home office is not purely tied to the Covid crisis, but is exacerbated by the need for a home-school area within the main house).

The design is consistent with other carriage house style buildings in the wider neighborhood, although it is also characteristic of these buildings to have unique features based on their site. Because this building is sited very close to a neighbor's garage, also within two feet of the property line, the owner has chosen to both move the structure one foot away from the west property line and to eliminate any windows on the west side. The windows on the south side of the building are also minimized, although they face a blank wall on the neighbor's property. The existing open space and yard is maintained between the south property line and the existing house, and only slightly diminished on the east side. The cupola is a characteristic feature that is appreciated by neighbors and this neighborhood landmark will be recreated atop the new building.

Sincerely,

Alyssa Manypenny Murphy, AIA

www.placework.studio | 96 Penhallow Street Portsmouth, NH 03801 | 603.319.8199

Exhibit B

September 11, 2020

To whom it may concern:

We understand that Amanda Telford is requesting a variance in order to rebuild the carriage house on her property. As an abutter, we support the removal and rebuilding of the structure and do not oppose the request for the variance.

Rita Weathersby — RITA WEATHERSBY

Signature — Printed Name

312 LINCOLN AVE — Portsmouth

Address

Dani Rooney — Dani Rooney

Signature — Printed Name

29 Spring St., Portsmouth

Address

Tom Rooney — TOM ROONEY

Signature — Printed Name

29 SPRING ST., PORTSMOUTH

Address

September 11, 2020

To whom it may concern:

We understand that Amanda Telford is requesting a variance in order to rebuild the carriage house on her property. As an abutter, we support the removal and rebuilding of the structure and do not oppose the request for the variance.

Signature

Theresa Fisher

Printed Name

332 Lincoln Ave Portsmouth NH 03801

Address

Signature

Printed Name

Address

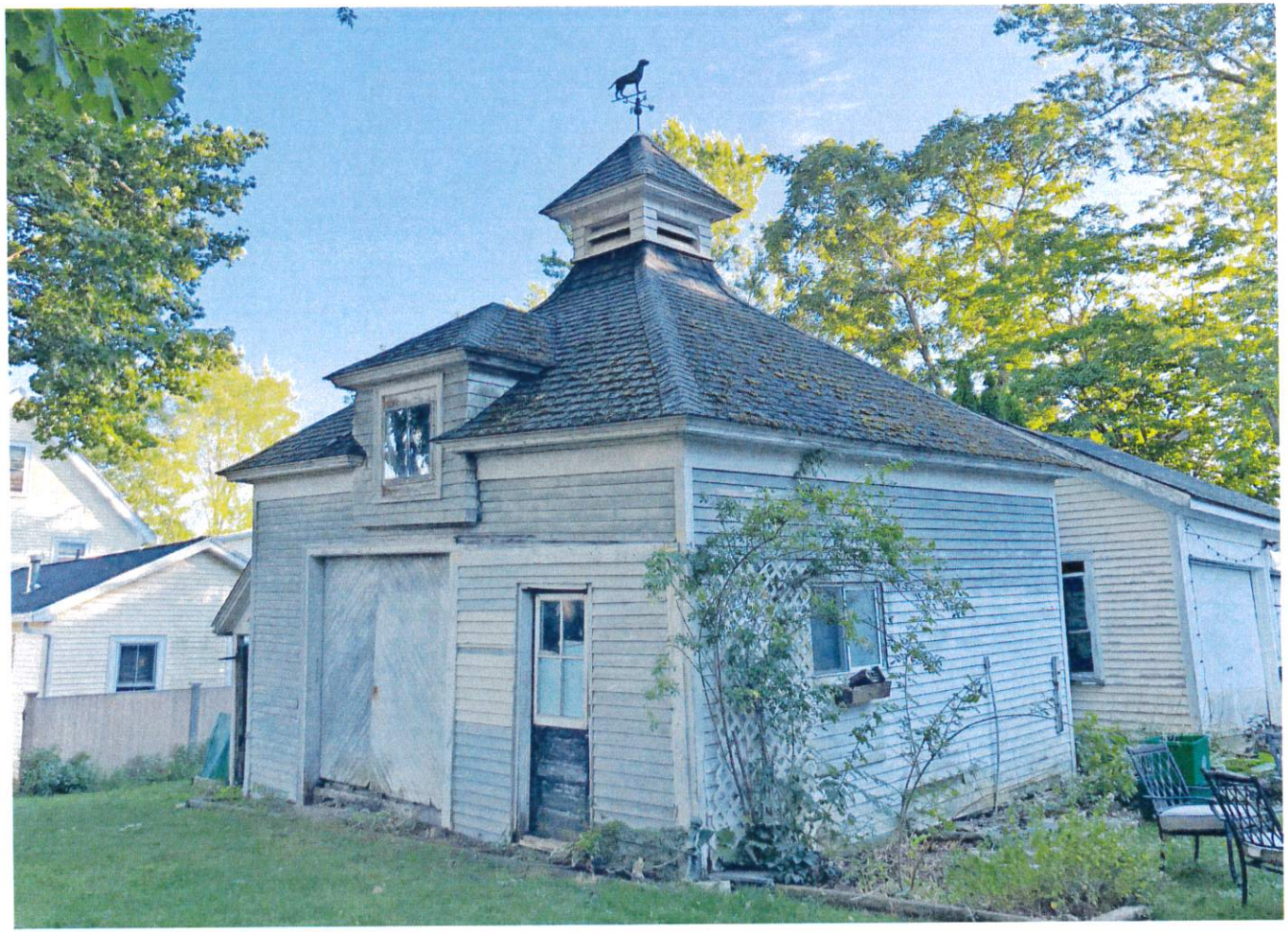
Signature

Printed Name

Address

322 LINCOLN AVENUE

CITY OF PORTSMOUTH
Board of Adjustment
Public Hearing
October 20, 2020



NOTES

NOTES FOR VARIANCE REQUEST

1. Site plan by Placework Architecture based on City of Portsmouth Tax map and site observations.

2. Project parcel: Tax Map 130 Lot 26; +/-5,378 sf

3. Zone: GRA - General Residence A

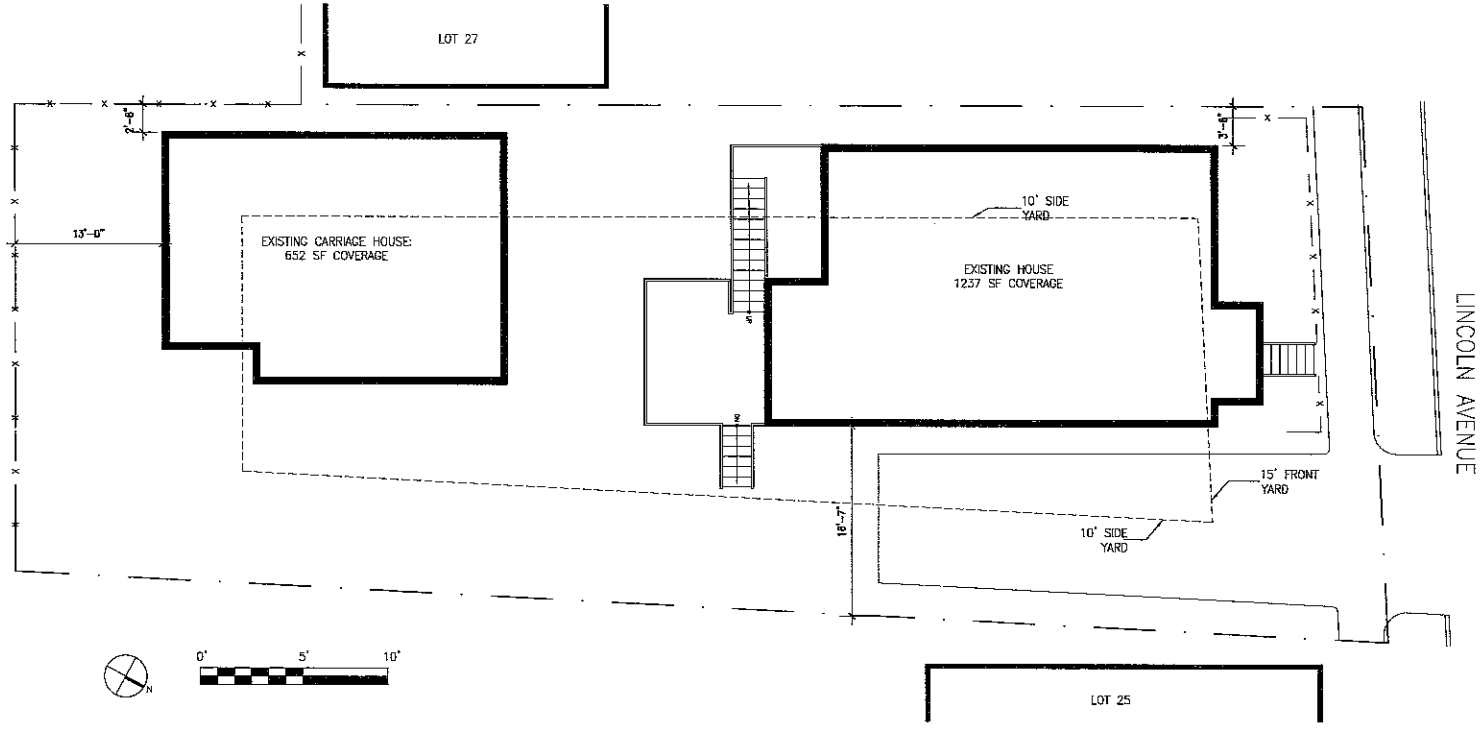
4. Dimensional requirements:

	Required	Existing	Proposed	Notes
Minimum lot area:	7,500	5,378	N/A	Conforming
Lot area/dwelling unit:	7,500	5,378	N/A	Conforming
Min street frontage:	100'	48'	N/A	Existing non-conforming
Min lot depth:	70'	119'	N/A	Conforming
Front yard:	15'	6'-10"	No change	Existing non-conforming
Left (East) yard: 10'		10'-0" (Carriage House)	No Change	Conforming
Right (West) yard:	10'	2'-6" (Carriage House)	3'-6" to new construction	Increase conformance
		16'-7" (House)	No Change	Conforming
Rear yard:	20'	13'-0" (Carriage House)	No change	Conforming
		55'-6" (House)	No change	Conforming
Max. building height:	35'	+/- 26'	No Change	Conforming
Max. building coverage:	25%	35.0%	35.3%	Increase to Existing Non-Conforming
Minimum open space:	30%	2,779 - 51.6%	2,770 - 51.5%	Conforming



EXISTING SITE PLAN

SCALE: 1/8"=1'-0"



KEY
——— PROPERTY LINE
- - - - - SETBACK
— x — EXISTING FENCE

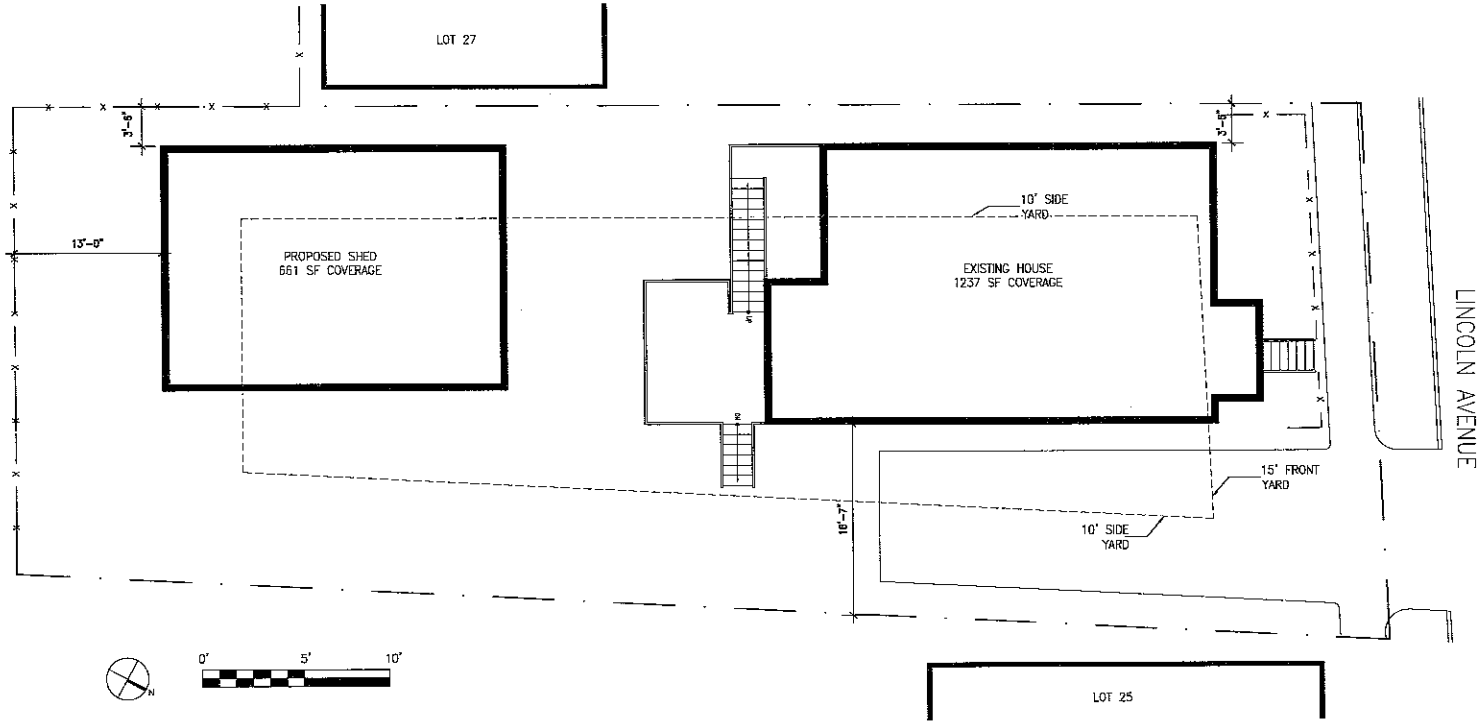
EXISTING LOT COVERAGE:	
HOUSE:	1,237
CARRIAGE HOUSE:	652
TOTAL:	1,889
EXISTING OPEN SPACE:	
SITE:	5,378
HOUSE:	-1,237
CARRIAGE HOUSE	-652
WALKWAY:	-135
DRIVE:	-575
TOTAL:	2,779
PROPOSED LOT COVERAGE:	
HOUSE:	1,237
CARRIAGE HOUSE:	661
TOTAL:	1,898
PROPOSED OPEN SPACE:	
SITE:	5,378
HOUSE:	-1,237
CARRIAGE HOUSE:	-661
WALKWAY:	-135
DRIVE:	-575
TOTAL:	2,770

322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE · PLANNING

PROPOSED SITE PLAN

SCALE: 1/8"=1'-0"



KEY
- PROPERTY LINE
- SETBACK
- x EXISTING FENCE

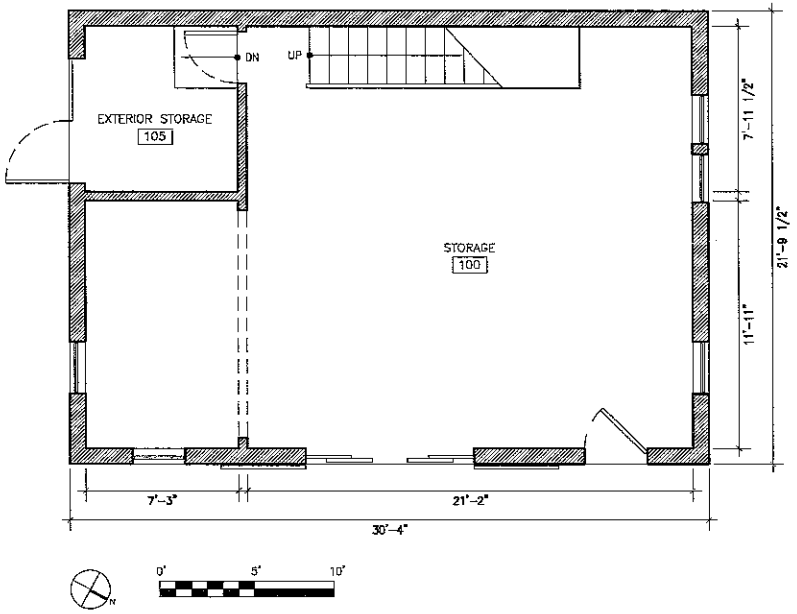
EXISTING LOT COVERAGE:	
HOUSE:	1,237
CARRIAGE HOUSE:	652
TOTAL:	1,889
EXISTING OPEN SPACE:	
SITE:	5,378
HOUSE:	-1,237
CARRIAGE HOUSE	-652
WALKWAY:	-135
DRIVE:	-575
TOTAL:	2,779
PROPOSED LOT COVERAGE:	
HOUSE:	1,237
CARRIAGE HOUSE:	661
TOTAL:	1,898
PROPOSED OPEN SPACE:	
SITE:	5,378
HOUSE:	-1,237
CARRIAGE HOUSE:	-661
WALKWAY:	-135
DRIVE:	-575
TOTAL:	2,770

322 LINCOLN AVENUE
PORTSMOUTH, NH

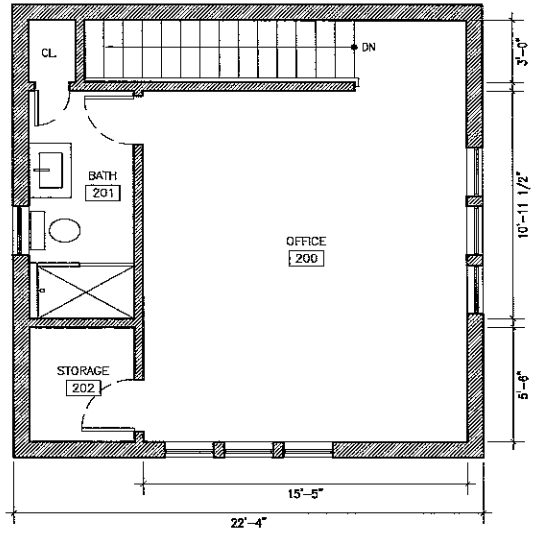
Placework
ARCHITECTURE • PLANNING

PLAN

SCALE: 3/16"=1'-0"



FIRST FLOOR PLAN



SECOND FLOOR PLAN

322 LINCOLN AVENUE

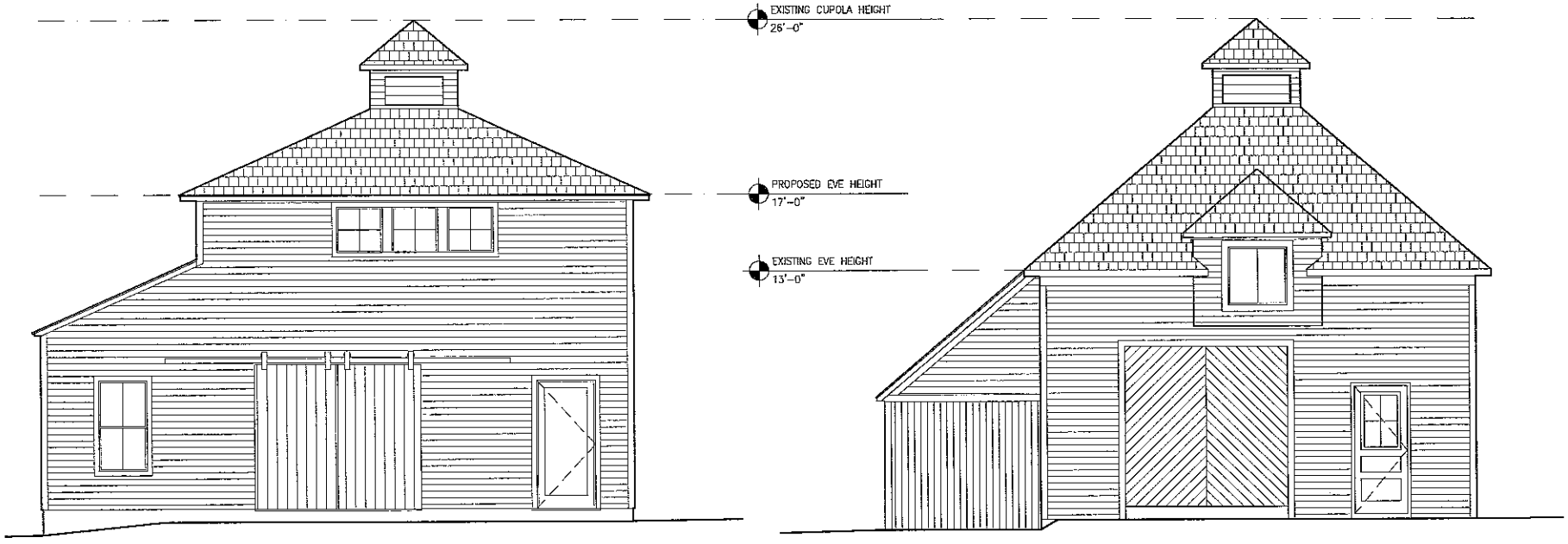
PORTSMOUTH, NH

Placework

ARCHITECTURE • PLANNING

ELEVATIONS

SCALE: 3/16"=1'-0"



PROPOSED EAST ELEVATION

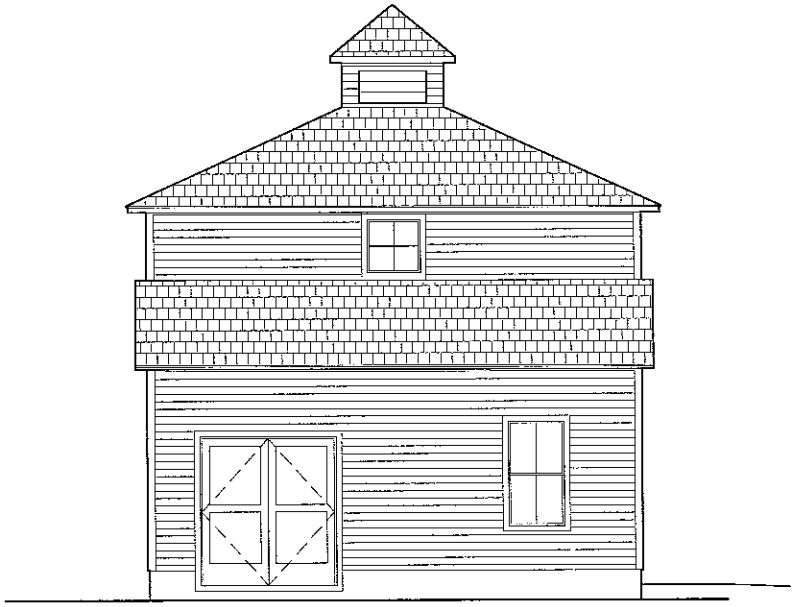
EXISTING EAST ELEVATION

322 LINCOLN AVENUE
PORTSMOUTH, NH

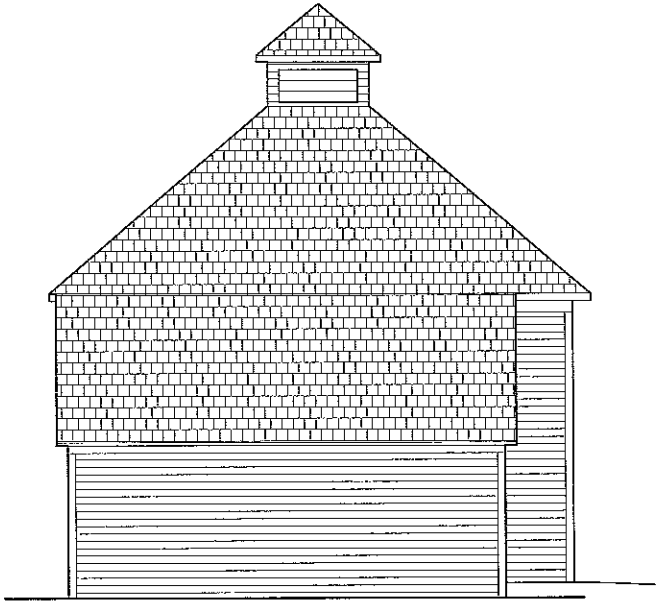
Placework
ARCHITECTURE • PLANNING

ELEVATIONS

SCALE: 3/16"=1'-0"



PROPOSED SOUTH ELEVATION



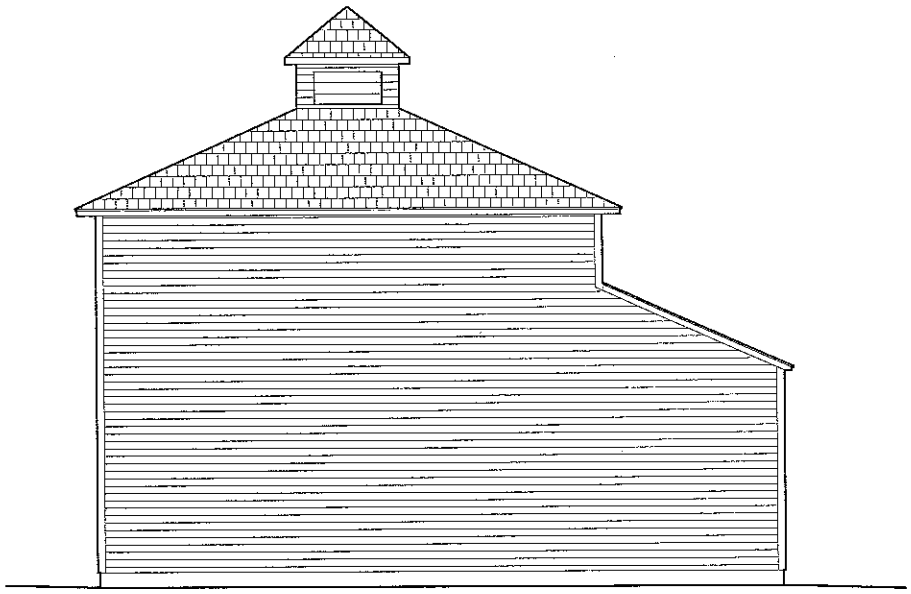
EXISTING SOUTH ELEVATION

322 LINCOLN AVENUE
PORTSMOUTH, NH

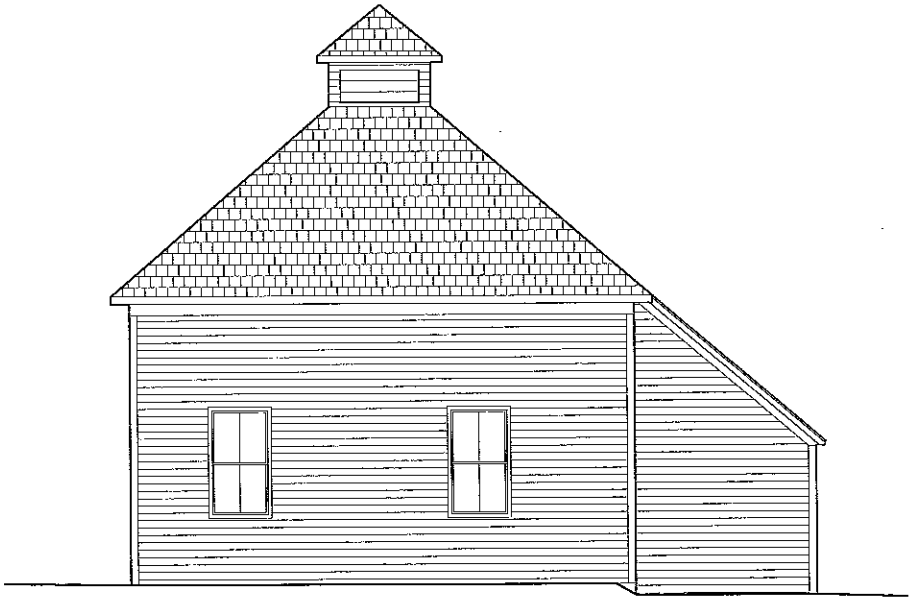
Placework
ARCHITECTURE · PLANNING

ELEVATIONS

SCALE: 3/16"=1'-0"



PROPOSED WEST ELEVATION



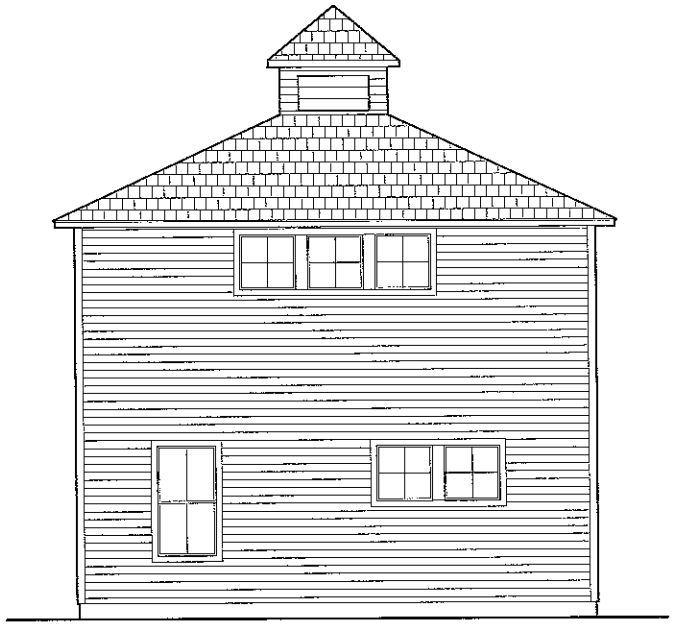
EXISTING WEST ELEVATION

322 LINCOLN AVENUE
PORTSMOUTH, NH

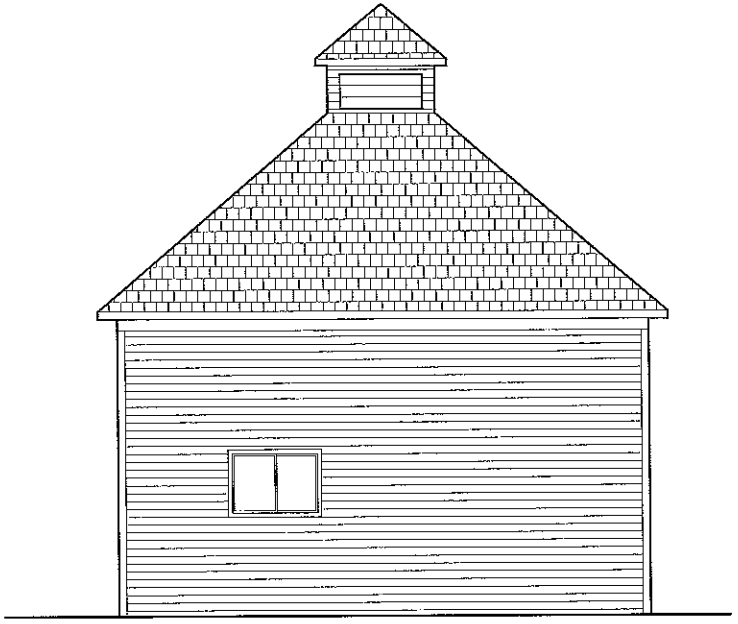
Placework
ARCHITECTURE • PLANNING

ELEVATIONS

SCALE: 1/4"=1'-0"



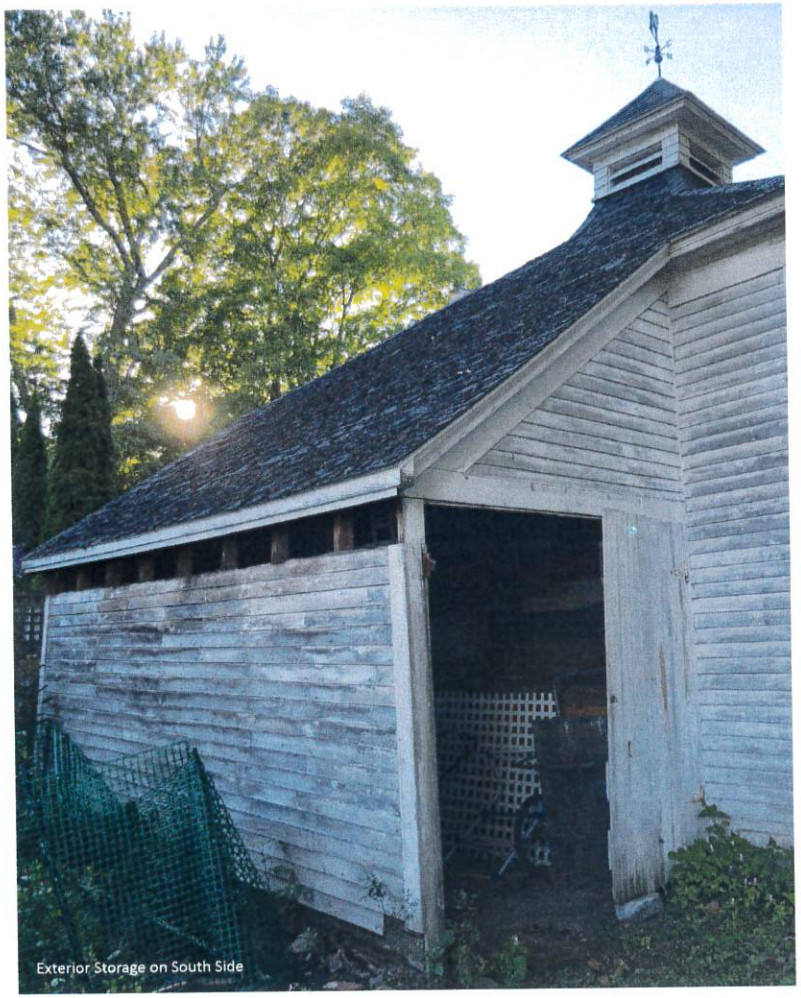
PROPOSED NORTH ELEVATION

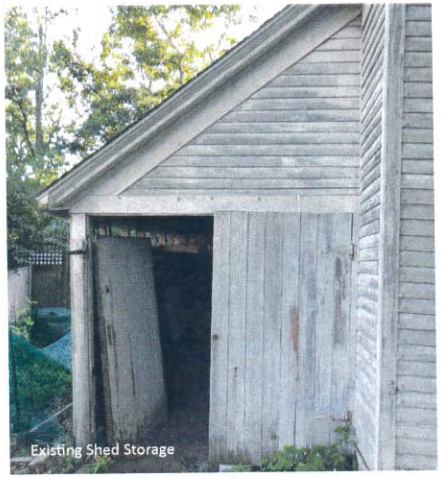


EXISTING NORTH ELEVATION

322 LINCOLN AVENUE
PORTSMOUTH, NH

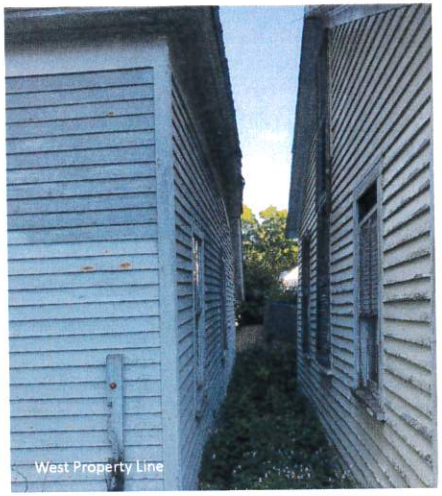
Placework
ARCHITECTURE · PLANNING


Exterior Storage on South Side


Existing Shed Storage


North Facade


East Facade


West Property Line



South Roof with Damaged Shingles



Detail of Rot at East Door



Siding at East Facade

23 September 2020

To the Zoning Board of Adjustment

Regarding: 121 Northwest Street, Portsmouth, NH 03801

Dear Board members,

We, Brad Lebo and Andrea Ardito, owners of 121 Northwest Street in Portsmouth are submitting this application to request relief from setback requirements for construction of a screened-in porch. The proposed porch is to be located 13'-11" from the rear lot line where a minimum of 20' is required. We offer the following observations:

1. The variance is not contrary to the public interest
   We feel the proposed porch addition will provide our family with a comfortable way to enjoy our backyard and being outdoors without disrupting our neighbors because we have no neighbors behind our home -- the setback is from the Route 1 bypass right of way.
2. The spirit of the ordinance is observed
   The proposed addition will enhance our experience of our home without adversely affecting the surrounding community. The spirit of the ordinance is to respect the right of abutters to freedom from obstructions and we have no neighbors behind our home to obstruct. We propose to build the addition in a manner consistent with the lines and character of the existing structure.
3. Substantial justice is done
   We do not believe that the gain we will realize from the proposed addition is at the expense of our neighbors because we have no neighbors to the rear of our home.
4. The values of the surrounding properties are not diminished
   The proposed screened-in porch will increase the value of our home. We assert the proposed addition will also not infringe on our neighbors' property, privacy, views, nor value as, again, we have no neighbors to the rear of our home.
5. Literal enforcement of the ordinance would result in unnecessary hardship
   The location of the existing structure is roughly 6' over the rear setback requirement and thus any proposed addition, in order to be consistent with the lines and footprint of the existing structure, poses a zoning challenge. In addition, the original structure, built in 1855, extends beyond rear, front, and one of the side setbacks. In other words, without the variance, it would be a hardship to add a screened-in porch to the existing structure.

For the reasons stated above, we believe the public does not benefit from denying the variance. Further, we believe our family will benefit from granting the variance and we will have the opportunity to increase the enjoyment of our home and garden on our property.

We humbly request that the board grant the requested variance. Thank you for your consideration.

Sincerely,

Brad Lebo

Brad Lebo

Andrea Ardito

Andrea Ardito

121 NORTHWEST STREET

CITY OF PORTSMOUTH
Board of Adjustment
Public Hearing
October 20, 2020



NOTES FOR VARIANCE REQUEST

1. Site plan by Placework Architecture based on City of Portsmouth Tax map and site observations.

2. Project parcel: Tax Map 122 Lot 1; +/-5,844 sf

3. Zone: GRA - General Residence A

4. Dimensional requirements:

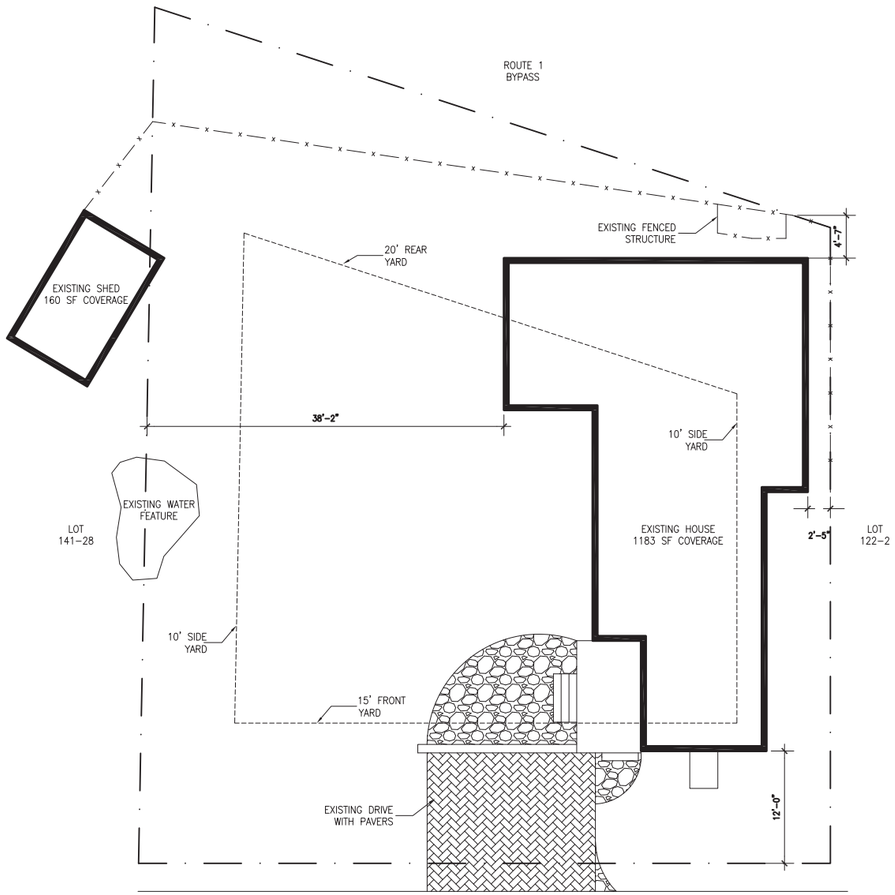
	Required	Existing	Proposed	Notes
Minimum lot area:	7,500	5,844	N/A	Conforming
Lot area/dwelling unit:	7,500	5,844	N/A	Conforming
Min street frontage:	100’	74’	N/A	Existing non-conforming
Min lot depth:	70’	91-6”’	N/A	Conforming
Front yard:	15’	12’	No change	Existing non-conforming
Left (West) yard:	10’	38’-2”	28’-8” to new construction	Conforming
Right (East) yard:	10’	2’-5”	No change	Existing non-conforming
Rear yard:	20’	4’-7” (House)	No change	Existing Non-conforming
		N/A	13’-11” (New Construction)	Increase within Existing non-conforming Area
Max. building height:	35’	+/- 19’-6”	No Change	Conforming
Max. building coverage:	25%	21.7%	24.3%	Increase Existing, Conforming
Minimum open space:	30%	4,197 - 71.8%	4,043 - 69.1%	Conforming



Note: Existing Tax map out of date, see site plan page 3

EXISTING SITE PLAN

SCALE: 1/8”=1’-0”

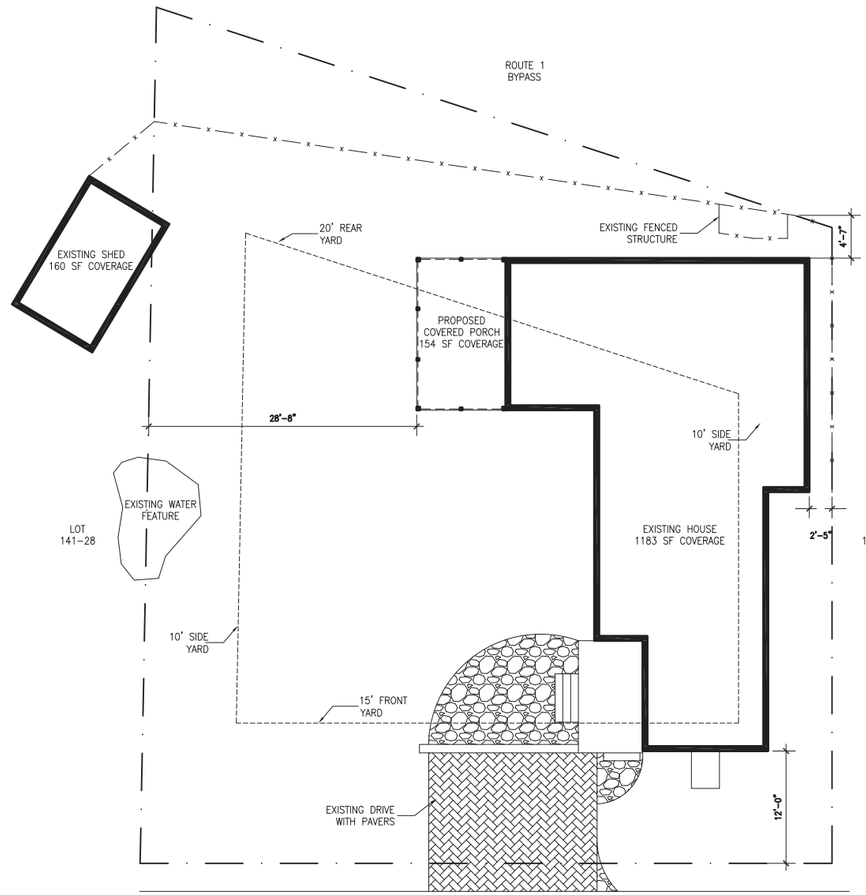


KEY
PROPERTY LINE
SETBACK
EXISTING FENCE

EXISTING LOT COVERAGE:	
HOUSE:	1,265
SHED:	4
TOTAL:	1,269
EXISTING OPEN SPACE:	
SITE:	5,844
HOUSE:	-1,265
SHED:	-4
WALKWAY:	-166
DRIVE:	-212
TOTAL:	4,197
PROPOSED LOT COVERAGE:	
HOUSE:	1,419
SHED:	4
TOTAL:	1,423
PROPOSED OPEN SPACE:	
SITE:	5,844
HOUSE:	-1,419
SHED:	-4
WALKWAY:	-166
DRIVE:	-212
TOTAL:	4,043



EXISTING SITE PLAN



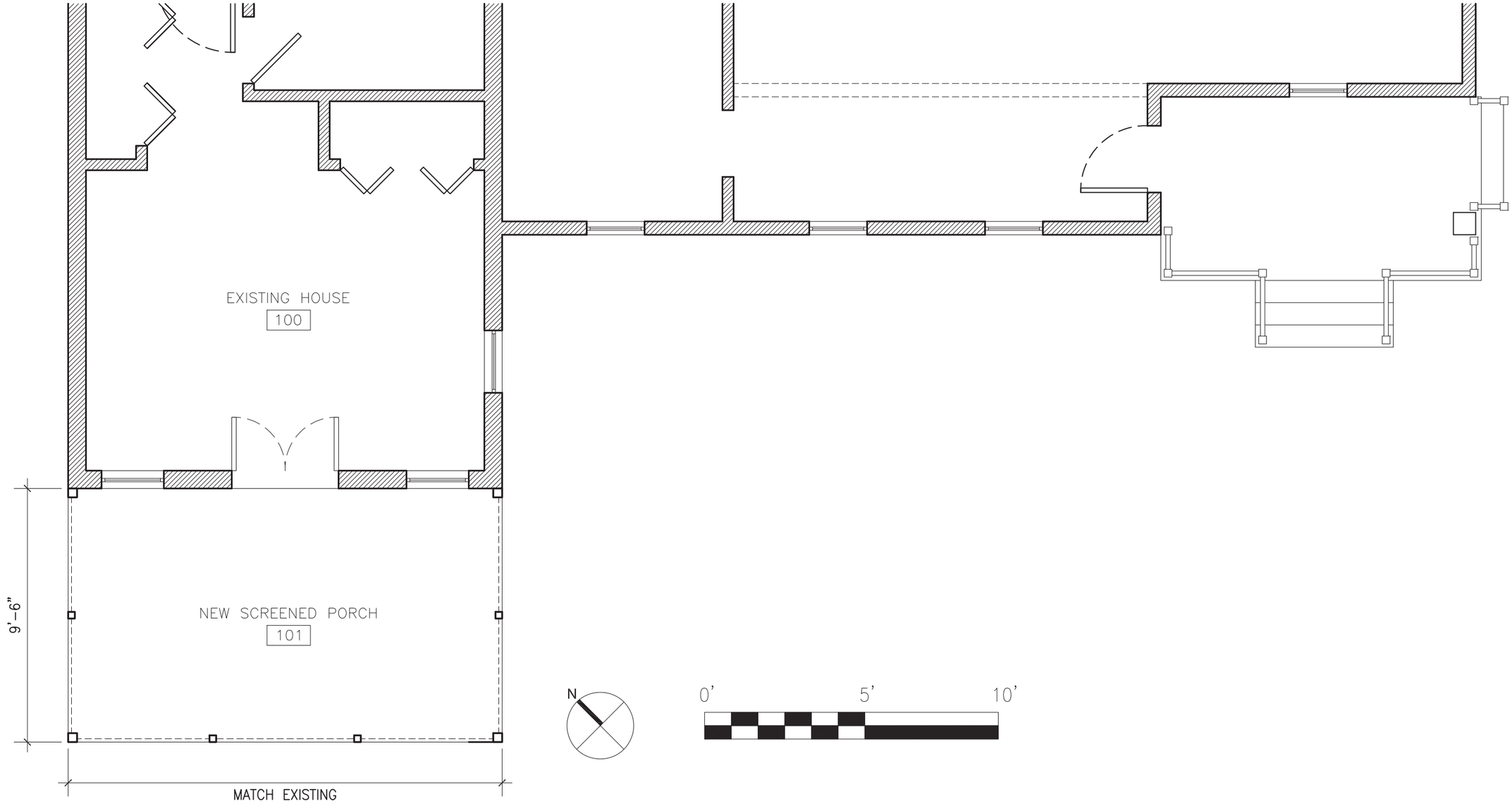
PROPOSED SITE PLAN

322 LINCOLN AVENUE
PORTSMOUTH, NH

Placework
ARCHITECTURE • PLANNING

PLAN

SCALE: 3/16”=1’-0”



FIRST FLOOR PLAN

322 LINCOLN AVENUE

PORTSMOUTH, NH

Placework

ARCHITECTURE • PLANNING

ELEVATIONS

SCALE: 3/16”=1’-0”



EAST ELEVATION

322 LINCOLN AVENUE

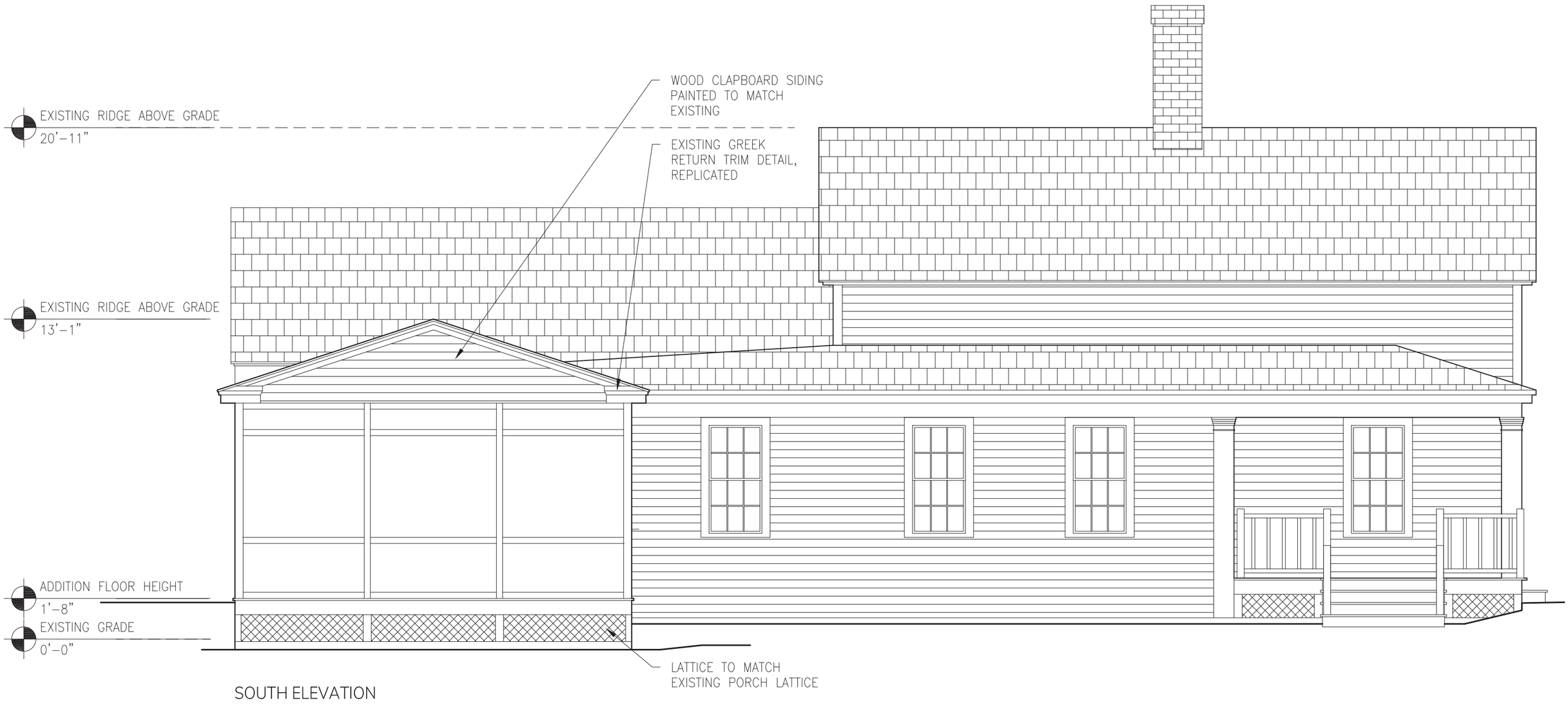
PORTSMOUTH, NH

Placework

ARCHITECTURE • PLANNING

ELEVATIONS

SCALE: 3/16”=1’-0”



SOUTH ELEVATION

322 LINCOLN AVENUE

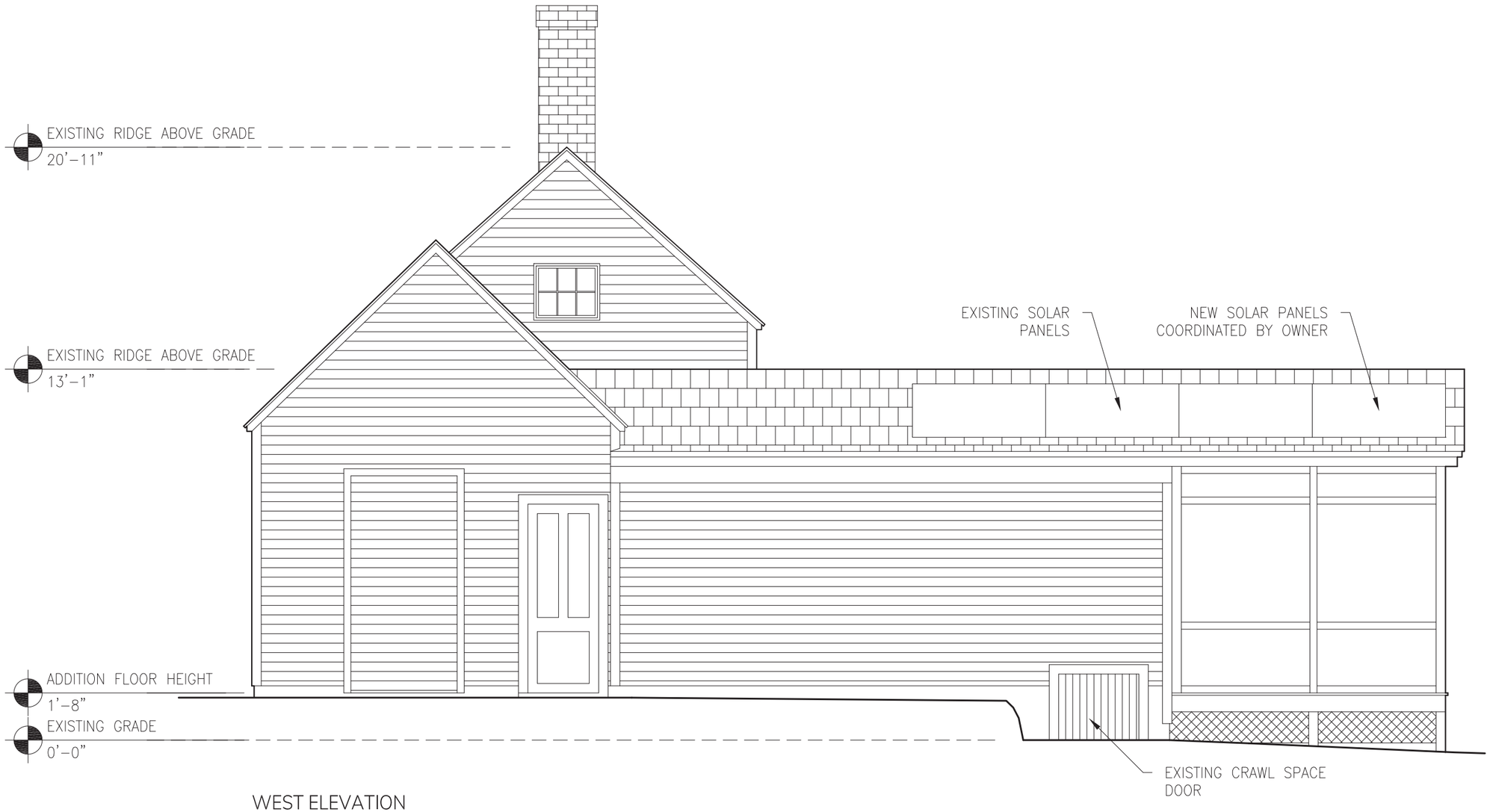
PORTSMOUTH, NH

Placework

ARCHITECTURE • PLANNING

ELEVATIONS

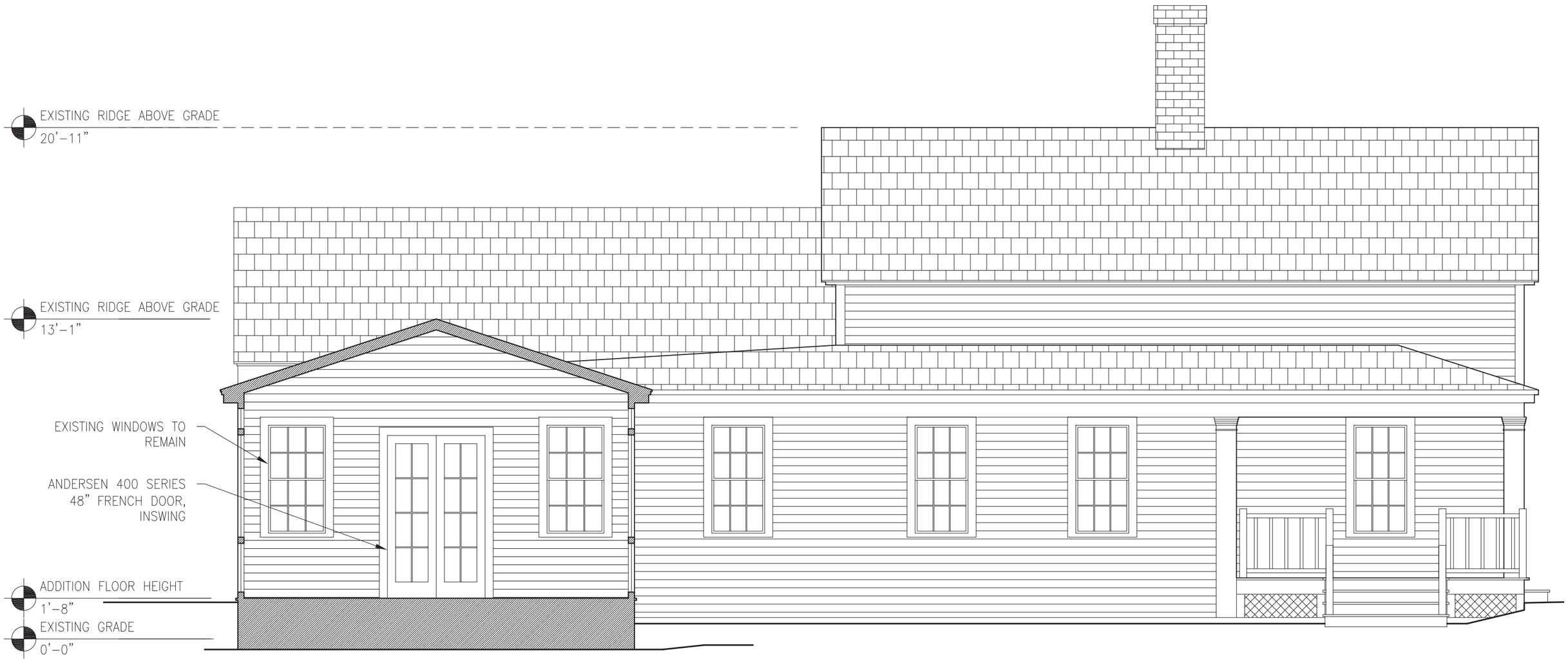
SCALE: 3/16”=1’-0”



WEST ELEVATION

ELEVATIONS

SCALE: 1/4”=1’-0”



ADDITION SECTION



South Elevation



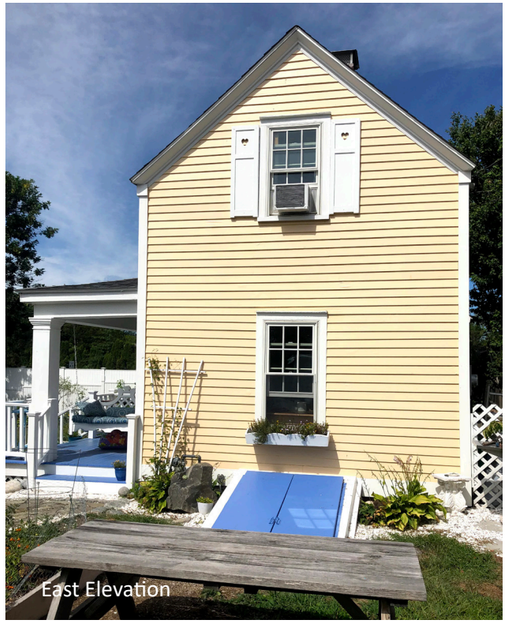
West (Rear), Looking South



South East Corner



East Elevation from Street



East Elevation



Water Feature to West (Rear) Yard

CITY OF PORTSMOUTH

ZONING BOARD OF ADJUSTMENT

RE: 266, 270, 278 State Street & 84 Pleasant Street, Portsmouth, New Hampshire

Tax Map 107, Lots 77 - 80

PNF REALTY TRUST of 2013

APPLICANT'S NARRATIVE

The Applicant, the PNF Realty Trust of 2013, seeks additional relief from that granted last year in order to proceed with the restoration and redevelopment of its property at the corners of State, Pleasant and Church Street. Since the prior approval was obtained, the applicant has acquired the adjacent property at 84 Pleasant Street (the "Louies'" restaurant building) and desires to integrate an addition on that building lot into the redevelopment project. The resulting proposal is a four story building with an 8,364 s.f. footprint. The combined property would house 17 dwelling units, consistent with pre-existing residential units pre-fire, and retail/commercial space on the ground floor.

As the Board is aware, in the late evening and early morning of April 9-10, 2017, a devastating fire destroyed the iconic State Street Saloon and the buildings housing it. The Saloon and fourteen residential apartments occupied 266, 270, and 278 State Street, with the bar/restaurant occupying the ground floors of each, and with several apartments in the floors above. 266 and 270 State were immediately deemed a total loss and were ordered demolished by the City of Portsmouth. 278 State has been deemed a total loss by the appellant's insurance carrier due to the demonstrable damage to the interior and exterior of the building. 84 Pleasant Street also suffered significant smoke and water damage connected with the fire.

The applicant unsuccessfully applied to the Historic District Commission for permission to demolish 278 State Street (a.ka. "the Times Building"), and, upon appeal to this Board, was granted permission to partially demolish that structure, with the requirement that the exterior façade walls on both Church and State Street be maintained. An appeal of that decision to the Superior Court is pending, however, by agreement that proceeding has been stayed while the applicant sought approval for a revised project.

As this Board may recall, the requirement to retain the Times Building presents significant challenges for the applicant. First, due to the nature and extent of the damage to that structure, any renovation of it will now require extensive life and safety code upgrades. Among other things, this will cause a net loss of usable square footage in that building. Furthermore, the exterior glazing on the Times Building, which the applicant is required to maintain, requires that the existing floor heights in that building remain substantially as is. Thus, the Times Building's remaining usable floor space and layout cannot be integrated or "synched up" with the proposed new building adding significant expense and complexity planning and construction.

Furthermore, the expense associated with renovating and redeveloping the interior of the Times Building while preserving its historic façade is significant, as substantial structural protections must be employed.

In order to proceed with an economically viable redevelopment, the applicant needs a building large enough to approximate the square footage and number of residential units lost in the fire. However, concerns about height, massing, scale and harmony with surrounding buildings must be considered, as this property is within the Historic District. After the prior variances were approved, the opportunity arose to obtain the Louies' building at 84 Pleasant Street, and the applicant intends to integrate this space into the overall development.

With respect to the Louies' building lot, the proposal and addition is substantially the same as the proposal by the current owner that was approved for that building by the HDC after the fire. The differences are that the first floor openings along Church Street for mechanical vents and the access door to the underground parking and the addition of the fourth floor to the Church Street addition. The fourth story in the Louie's addition is allowed by right if the applicant designed it as a mansard roof as it would be considered a "short story." The present proposal is to set that floor back and avoid the mansard. Comments received from the HDC in the work sessions were that the setback is the preferred option and the applicant agrees.

At the time of this submission, this project has been the subject of two work sessions with the HDC. The applicant is confident the project will obtain final approval from the HDC.

In addition to the Historic District, the property is in the CD-4 zone and the Downtown Overlay District. In May of 2019, the applicant received building coverage, height and penthouse setback relief from this Board for the three properties along State Street. A copy of the Notice of Decision granting this relief is submitted herewith. The current project as designed requires additional relief as follows:

Section 105A41.10C	- Entrance Space (57' along Church Street – a secondary front yard) – Maximum building coverage (100%) – Minimum open space (0%) – Maximum building height (4 stories along Church Street on new "Louie's" addition) – Façade Glazing (approximately 50%) -Max ground floor area for residential use (23%)

The existing grandfathered uses for all lots have no off street parking. Note that the basement floor plans submitted depict an elaborate mechanical underground parking layout which the applicant may choose to install, which likely will require relief from Section 10.1114. The applicant has not committed to providing this parking as technical feasibility and cost remain uncertain at this time. If the applicant chooses to move forward with this arrangement, a further application thereon may come before this board. In the event the applicant does not have

the number of required off-street parking spaces a CUP will be sought in connection with the site review process.

The applicant believes that, as in 2019, this project meets the criteria necessary for granting the variances.

Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. The property is a very visible "cornerstone" of downtown that requires a substantial building. The proposal does not in any way feel out of place in its surroundings and is cleverly integrated to respect the remaining façade at the Times Building.

The essentially urban character of the neighborhood will not be altered in any fashion by this project, nor would the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is entirely consistent with the mass and scale of neighboring buildings. The project must obtain further approval from the HDC and proceed through site plan approval at the Planning Board, so the interest of the public will be adequately protected.

Substantial justice would be done by granting the variances. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. The applicant in this case has been without the use of his property for over two years, and the public has been left with an open wound in the heart of the downtown. The cost to redevelop this property is significantly greater than it otherwise would be due to the requirement to preserve the façade of the Times Building. In order to comply with that requirement and still produce an economically viable project, the applicant needs relief from the aesthetic requirements of the CD 4 zone. The HDC must approve the project, so the result will be an aesthetically appropriate structure.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

The values of surrounding properties will not be diminished by granting the variances. The proposed uses are permitted in this zone by right. The surrounding properties

and those in the vicinity have similar heights as this one does. The new building will also sit in the footprint of the former buildings that were destroyed or damaged in the fire. A newly constructed project will increase property values. The values of the surrounding properties will not be negatively affected in any way.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is in the heart of the downtown and is being redeveloped in connection with the preservation of the façade of the Times Building. Redevelopment poses staggering logistical and engineering challenges and retaining the story heights of the Times Building requires the thoughtful integration of the neighboring structure. The present Church Street façade is totally out of character with the historic South Church facing it.

The use is a reasonable use. The proposed mixed residential/commercial use is permitted in this zone and is identical in character and is consistent with the existing use of the adjacent and abutting properties.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The Applicant is proposing to redevelop what is almost the entire block bounded by State, Pleasant and Church Streets. The proposed Church Street façade is presently non-conforming in almost every material respect as it relates to the aesthetic Character District requirements, which is truly unfortunate given its proximity to the South Church, an extremely important part of Portsmouth's historic character. There is no fair and substantial relationship between the purposes of these requirements and their application to this property the new building will sit essentially in the footprint of the former buildings that were destroyed by the fire.

I. Conclusion.

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

DATE: 9/30/2020

John K. Bosen, Esquire

COPY

CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

May 31, 2019

Peter N. Floros, Trustee
PNF Trust of 2013
282 Middle Street
Portsmouth, New Hampshire 03801

Re: Property at 266 – 278 State Street, Permit LU 19-79
Assessor Plan 107, Lots 78, 79 and 80

Dear Applicant:

The Board of Adjustment at its reconvened meeting on May 28, 2019 completed its consideration of your application described as follows:

Application:

Case 5-12

Petitioner:	PNF Trust of 2013, Peter N. Floros, Trustee
Property:	266 -278 State Street
Assessor Plan:	Map 107, Lots 78, 79 & 80
District:	Character District 4, the Downtown Overlay District and the Historic District
Description:	Construct mixed use three story building with penthouse.
Requests:	Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including the following variances:

a) from Section 10.5A43.31 to allow a 55' height where 45' is the maximum allowed for 2-3 stories (short 4th);
b) to allow a structure to be designated as a penthouse without meeting the 15' setback from the edge of the roof as outlined in the definition of a penthouse;
c) from Section 10.5A41.10C to allow 93% building coverage where 90% is the maximum allowed and a 3' rear setback from the lot line at the center building where 5' is the minimum required.

Action:

The Board voted to **grant** the petition as presented and advertised with the following stipulation:

Stipulation:

- With the granting of the variance for building coverage, 7% of open space is allowed.

Review Criteria:

The petition was granted for the following reasons:

- Granting the variance will not be contrary to the public interest and the spirit of the ordinance will be observed.
- Substantial justice will be done and the value of surrounding properties will not be diminished as there will be occupied buildings, both new and restored, on a lot that has been vacant for two years.
- Literal enforcement of the ordinance would result in unnecessary hardship due to the special condition of having to incorporate the adjacent Times Building into the design of the newly proposed project. Due to this condition, there is no fair and substantial relationship between the general purposes of the ordinance provisions and their specific application to the property.

As provided for in NH RSA Chapter 677, the Board's decision may be appealed 30 days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process. Construction drawings or sketches must be reviewed and approved by the Building Inspector prior to the issuance of a building permit. Approvals by other land use boards may also be required prior to the issuance of a building permit.

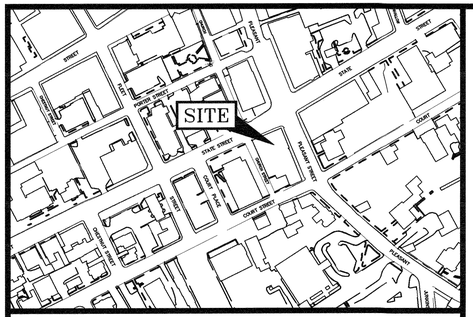
The minutes and tape recording of the meeting may be reviewed in the Planning Department.

Very truly yours,

David Rheaume, Chairman
Board of Adjustment

mek

c: Robert Marsilia, Chief Building Inspector
Roseann Maurice-Lentz, City Assessor
John K. Bosen. Esq.



LOCATION MAP SCALE: 1" = 200'

PLAN REFERENCES:

1) PLAN OF PROPERTIES ON STATE & PLEASANT STREETS, PORTSMOUTH, N.H., OWNED BY FREDERICK GARDNER AND PISCATQUA BANK, 1" = 10', SEPT 10, 1919 BY WM. A. GROVER. RCRD FILE 0249.

2) PLAN OF LOTS, SMITH & TIMES BLDGS., STATE ST., PORTSMOUTH, N.H., 1IN. = 10FT., APRIL 1954 BY JOHN W. DURGIN CIVIL ENGINEERS. FILE 2806, PLAN 1-490.

3) PLAN OF LOTS NOS. 202, 206, & 222 COURT ST., 1IN. = 10FT., JAN 1974 BY JOHN W. DURGIN CIVIL ENGINEERS. FILE 682, PLAN 4318, C-4259.

4) SUBDIVISION OF LAND, PORTSMOUTH, N.H., TRADER'S BLOCK TRUST, JOSEPH G. SAWTELLE, JR., TR., 1 INCH = 10 FEET, DECEMBER 1977 BY JOHN W. DURGIN CIVIL ENGINEERS. RCRD C-7497.

5) BREWSTER INN PARTNERSHIP, SUBDIVISION OF LAND, 93 PLEASANT STREET, 1"=10'-0", 10-26-87 BY KIMBALL CHASE COMPANY, INC. RCRD 01752, D-17511.

6) LOT LINE ADJUSTMENT PLAN FOR DAVID L. BAKER, SR. IN PORTSMOUTH, N.H., 1" = 20', 23 MAR. 1990 BY SEACOAST ENGINEERING ASSOC., INC. RCRD 12203, D-20209.

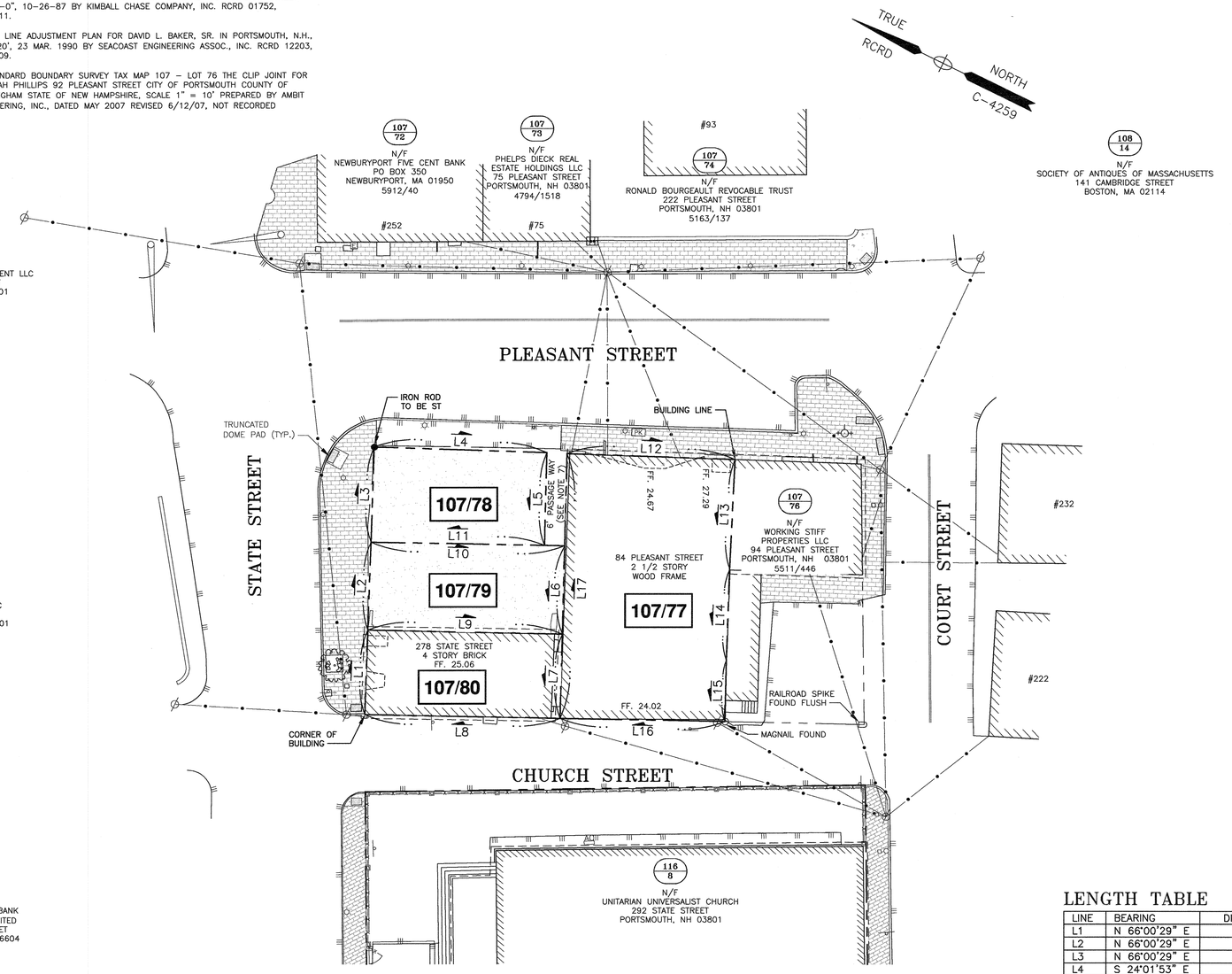
7) STANDARD BOUNDARY SURVEY TAX MAP 107 - LOT 76 THE CLIP JOINT FOR DEBORAH PHILLIPS 92 PLEASANT STREET CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE, SCALE 1" = 10' PREPARED BY AMBIT ENGINEERING, INC., DATED MAY 2007 REVISED 6/12/07, NOT RECORDED

MERGER NOTE:

THE PASSAGE WAY AND THESE LOTS ARE INTENDED TO BE MERGED TO CREATE ONE DEVELOPMENT PARCEL.

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/21	MAP 11 / LOT 21
	BOUNDARY
	SETBACK
	RAILROAD SPIKE FOUND
	IRON ROD/PIPE FOUND
	DRILL HOLE FOUND
	STONE/CONCRETE BOUND FOUND
	RAILROAD SPIKE SET
	IRON ROD SET
	DRILL HOLE SET
	GRANITE BOUND SET



GRAPHIC SCALE

10 0 20 40 60 80 FEET
5 0 5 10 15 20 25 METERS

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N 66°00'29" E	25.16'
L2	N 66°00'29" E	26.17'
L3	N 66°00'29" E	28.27'
L4	S 24°01'53" E	51.47'
L5	S 65°27'29" W	27.54'
L6	S 65°27'29" W	26.30'
L7	S 65°27'29" W	25.01'
L8	N 24°51'30" W	58.24'
L9	S 24°42'40" E	57.99'
L10	S 24°50'15" E	57.74'
L11	N 24°50'15" W	51.74'
L12	S 23°57'38" E	50.06'
L13	S 66°47'06" W	32.82'
L14	S 65°52'55" W	26.82'
L15	S 65°14'37" W	18.24'
L16	N 24°54'06" W	49.17'
L17	N 65°27'29" E	78.68'

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 738 JOHN L. CHAGNON

PAUL A. DOBBERSTEIN, LLS #1000 — DATE 3-4-20

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOTS 77, 78, 79, AND 80.

2) OWNERS OF RECORD:

107/77
KC REALTY TRUST
KEITH & KATHLEEN MALINOWSKI, TRUSTEES
1475 ELWYN RD, PORTSMOUTH, NH 03801
BK 3386, PG 2417

107/78-80
PNF TRUST OF 2013
PETER N. FLOROS, TRUSTEE
282 MIDDLE ST, PORTSMOUTH, NH 03801
BK 5540, PG 0293 (78)
BK 5540, PG 0298 (80)

107/79
282 MIDDLE STREET LLC
282 MIDDLE ST, PORTSMOUTH, NH 03801
BK 5877. PG 511

3) PARCELS 107/77-80 ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301SC0259E. EFFECTIVE 5/17/2005.

4) EXISTING LOT AREA:

LOT 107/ 77
EXISTING: 3,866 SF, 0.0887 ACRES

LOT 107/ 78
EXISTING: 1,440 SF, 0.0331 ACRES

LOT 107/ 79
EXISTING: 1,518 SF, 0.0348 ACRES

LOT 107/ 80
EXISTING: 1,458 SF, 0.0335 ACRES

6' PASSAGE WAY
EXISTING: 165 SF, 0.0038 ACRES

TOTAL COMBINED LOT AREA:
8,447 SF, 0.1939 ACRES

5) PARCEL IS LOCATED IN CHARACTER DISTRICT 4 (CD4)
DIMENSIONAL REQUIREMENTS:
SEE PORTSMOUTH ORDINANCE

6) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF TAX MAP 107 LOTS 77-80 IN THE CITY OF PORTSMOUTH.

7) PASSAGEWAY OWNERSHIP UNCLEAR; EITHER LOTS 78 & 79 MAY HAVE FEE OWNERSHIP.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/4/20

REVISIONS

STANDARD BOUNDARY SURVEY TAX MAP 107 - LOTS 77-80

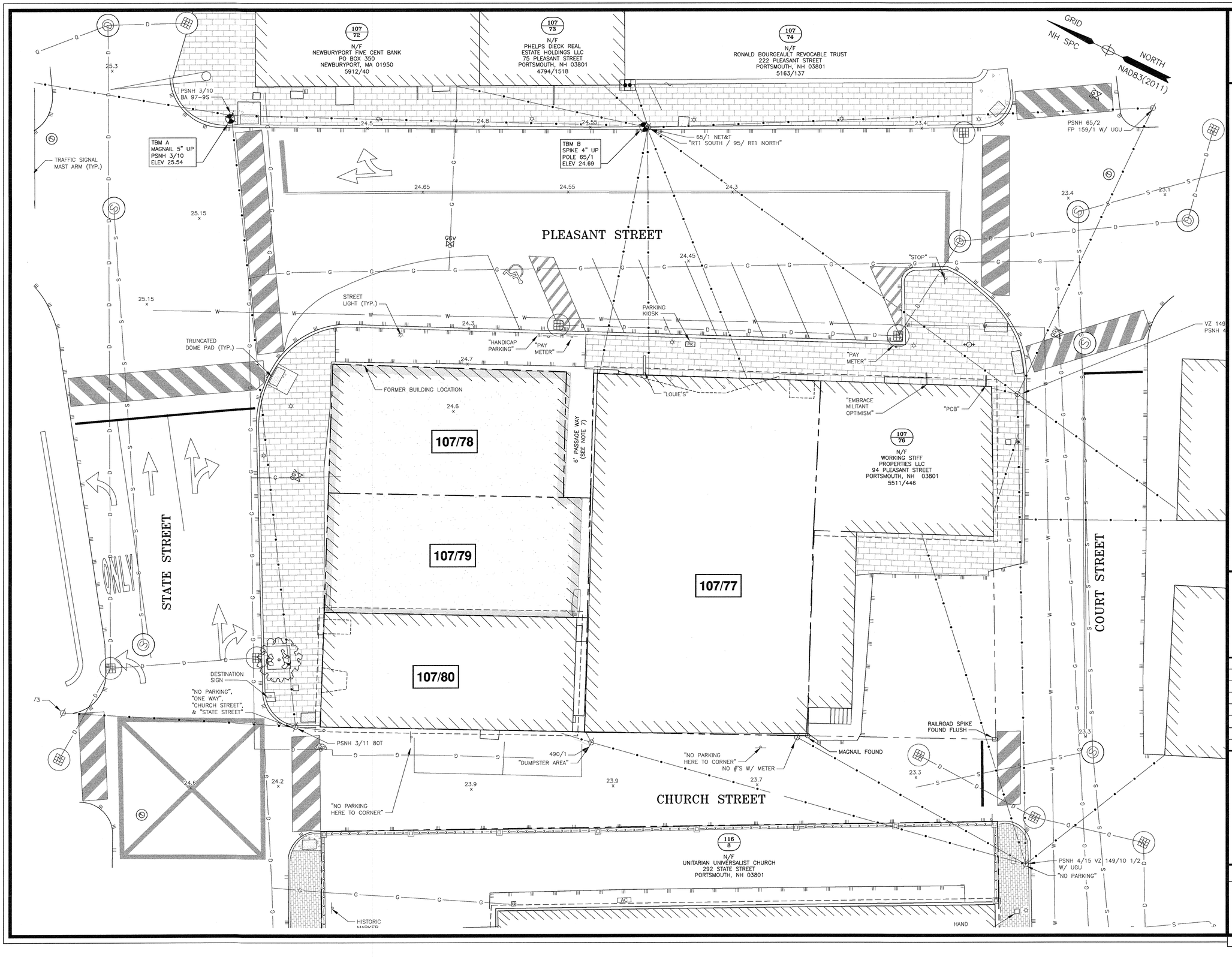
PROPERTY LOCATED AT:

266, 270, 278 STATE STREET
& 84 PLEASANT STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" =20' JANUARY 2020

FB 321 PG 58 3150

J:\JOBS3\dwg 3100's\3150's\3150\2019 Survey\Plans & Specs\Site\3150 Survey 2020.dwg, BNDRY MAP, 3/4/2020 4:21:27 PM



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road – Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

NOTES:

1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN 30 DAYS.

2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

GRAPHIC SCALE
10 5 0 10 20 FEET
3 0 5 METERS

FLOROS BUILDING
STATE AND PLEASANT STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/6/20

REVISIONS

STATE OF NEW HAMPSHIRE
No. 738
JOHN R. CHAGNON
LICENSED LAND SURVEYOR
SIGNATURE

SCALE: 1"= 10' MARCH 2020

EXISTING CONDITIONS PLAN

C1

FB 321 PG 58

3150

J:\PROJECTS\3100's\3150's\3150\2019 Survey\Plans & Sheets\Site\3150 SRT 2020-Proj. C1 FLOR... 3/6/2020 4:01:15 PM

ZONING DEVELOPMENT STANDARD

CD4: CHARACTER DISTRICT 4

DOWNTOWN OVERLAY DISTRICT AND HISTORIC DISTRICT

BUILDING PLACEMENT (PRINCIPAL):

	REQUIRED	MAP 107 AS LOTS 77, 78, 79, AND 80. EXISTING ǂ	PROPOSED
MAX. PRINCIPAL FRONT YARD:	10 FEET	0	0
SECONDARY FRONT YARD	NR	15	0
MIN. SIDE YARD:	NR	N/A	N/A
MIN. REAR YARD:	5 FEET	0	0
FRONT LOT LINE BUILDOUT:	50% MIN	100%	100%

REAR SETBACK: 5' (REAR LINE) OR 10' (ALLEY CENTERLINE)

BUILDING TYPES:

BUILDING TYPES: OFFICE, FOOD SERVICE, COMMERCIAL, RESIDENTIAL, PARKING

DOWNTOWN OVERLAY DISTRICT DOES NOT PERMIT RESIDENTIAL USES FOR GROUND FLOOR. ENTRY CAN NOT EXCEED 20% OF GROUND FLOOR AREA. PROPOSED 12%

FACADE TYPE: SHOPFRONT, OFFICE FRONT

BUILDING FORM:

	REQUIRED	EXISTING	PROPOSED
MAX STRUCTURE HEIGHT:	45 FEET	53 FT	55 FT*
MAX. FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE:	36 INCHES	2"	2"
MIN. GROUND STORY HEIGHT:	12 FEET	14–15 FT	13'–3"
MIN. SECOND STORY HEIGHT	10 FEET	11'–4"	10
FACADE GLAZING (WINDOW/PERIMETER):	70% SHOP 20–50% OTHER	DESTROYED	50%

ROOF TYPE: FLAT, MANSARD, GABLE

LOT OCCUPATION:

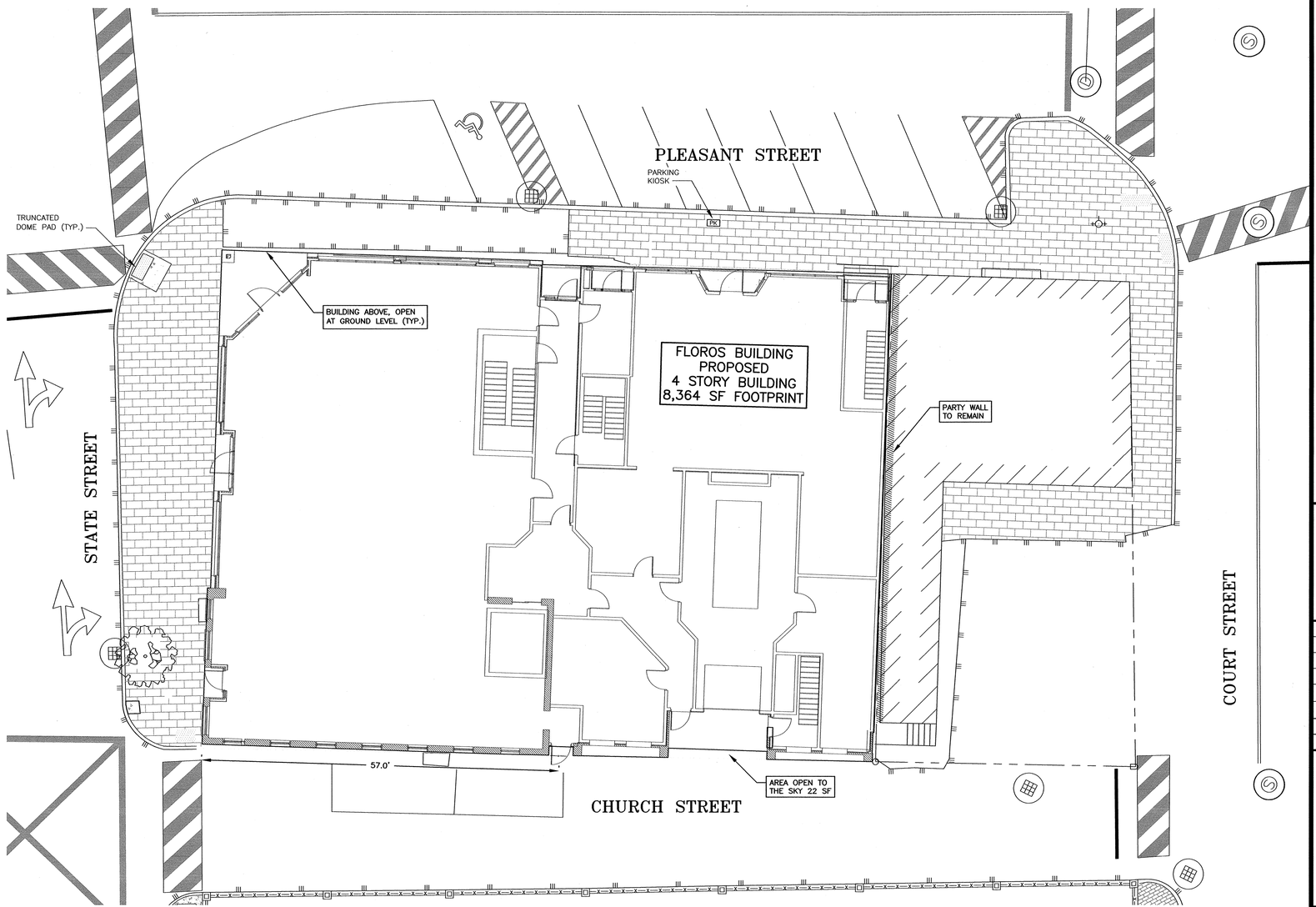
	REQUIRED	EXISTING	PROPOSED
MAX BUILDING BLOCK:	200 FEET	146	146
MAX FACADE MOD. LENGTH:	80 FEET	50	50
MAX. ENTRANCE SPACING:	50 FEET	58	57
MAX BUILDING COVERAGE:	90%	DESTROYED	99%
MAX BUILDING FOOTPRINT:	15,000 SF	DESTROYED	8,364
MIN. LOT AREA:	NR	8,447	8,447
MIN. LOT AREA/DWELLING (LOT AREA/# OF UNITS):	NR	497	497
MIN. OPEN SPACE :	10%	2%	0%
MAX. GROUND FLOOR GFA PER USE	15,000 SF	N/A	23% RESIDENTIAL

* WITH VARIANCE
ǂ PRE– 2017 FIRE

IMPERVIOUS SURFACE AREAS
(TOTAL PARCELS)(TO PROPERTY LINE)

STRUCTURES	PRE–CONSTRUCTION IMPERVIOUS (S.F.)	POST–CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	5,154	8,364
STAIRS/LANDING	87	0
RETAINING WALL	15	0
CONCRETE/STEPS	62	83
GRAVEL	3,129	0
TOTAL	8,447	8,447
LOT SIZE	8,447	8,447
% LOT COVERAGE	100.0%	100.0%

NOTE: FIRST FLOOR OPEN ENTRANCE AREAS: 405 S.F., 4.8%



APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road – Unit 3
Portsmouth, N.H. 03801–7114
Tel (603) 430–9282
Fax (603) 436–2315

NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 107 AS LOTS 77, 78, 79, AND 80.

2) OWNERS OF RECORD:
SEE BOUNDARY SURVEY

3) PARCELS 107/77–80 ARE NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 3301SC0259E. EFFECTIVE 5/17/2005.

4) EXISTING COMBINED AREA:
8,447 SF
0.1939 ACRES

5) THE PARCELS ARE LOCATED IN THE CHARACTER DISTRICT 4 (CD4) ZONING DISTRICT. PARCELS ARE LOCATED WITHIN THE DOWNTOWN OVERLAY DISTRICT (DOD) AND THE HISTORIC DISTRICT (HDC).

6) THE PURPOSE OF THIS PLAN IS TO SHOW SITE LAYOUT FOR BUILDING ON THE PARCELS IN THE CITY OF PORTSMOUTH, FOR APPLICATION FOR VARIANCE.

7) PROPOSED USE:
BASEMENT: STORAGE, POTENTIAL PARKING, MECHANICAL.
FIRST FLOOR: RETAIL COMMERCIAL, OFFICE, FOOD SERVICE FLOORS 2–4 AND PENTHOUSE: 17 RESIDENTIAL UNITS

FLOROS BUILDING
STATE AND PLEASANT STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	9/29/20
0	ISSUED FOR COMMENT	3/6/20

REVISIONS

STATE OF NEW HAMPSHIRE LAND SURVEYOR No. 738 JOHN R. CHAGNON SIGNATURE

JOHN R. CHAGNON No. 7951 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

SCALE: 1"= 10' MARCH 2020

VARIANCE PLAN C3

FB 321 PG 58

3150



VIEW FROM PLEASANT AND STATE STREETS



VIEW FROM PLEASANT STREET



VIEW FROM STATE AND CHURCH STREETS



VIEW FROM COURT STREET

mjk
Michael J. Keane Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR REVIEW IN PREPARING THE APPLICATION
9/24/2020

Accept only original stamp and signature copies may contain unauthorized modifications

PROJECT

PROPOSED
RESTORATION AND EXPANSION OF 266, 270 278 STATE STREET AND 84 PLEASANT ST, PORTSMOUTH NH
FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE

EXTERIOR CONCEPTS

DRAWN BY:

CHECKED BY:

DATE:

SCALE:

DRAWING NO.

PB1

DO NOT SCALE PRINTS



PLEASANT STREET ELEVATION



STATE STREET ELEVATION



CHURCH STREET ELEVATION

mjk
Michael J. Keane Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR REVIEW IN PREPARING THE APPLICATION
9/24/2020

Accept only origianl stamp and signature copies may contain unauthorized modifications

PROJECT

PROPOSED
RESTORATION AND EXPANSION OF 266, 270 278 STATE STREET AND 84 PLEASANT ST, PORTSMOUTH NH
FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE

EXTERIOR ELEVATIONS

DRAWN BY:

CHECKED BY:

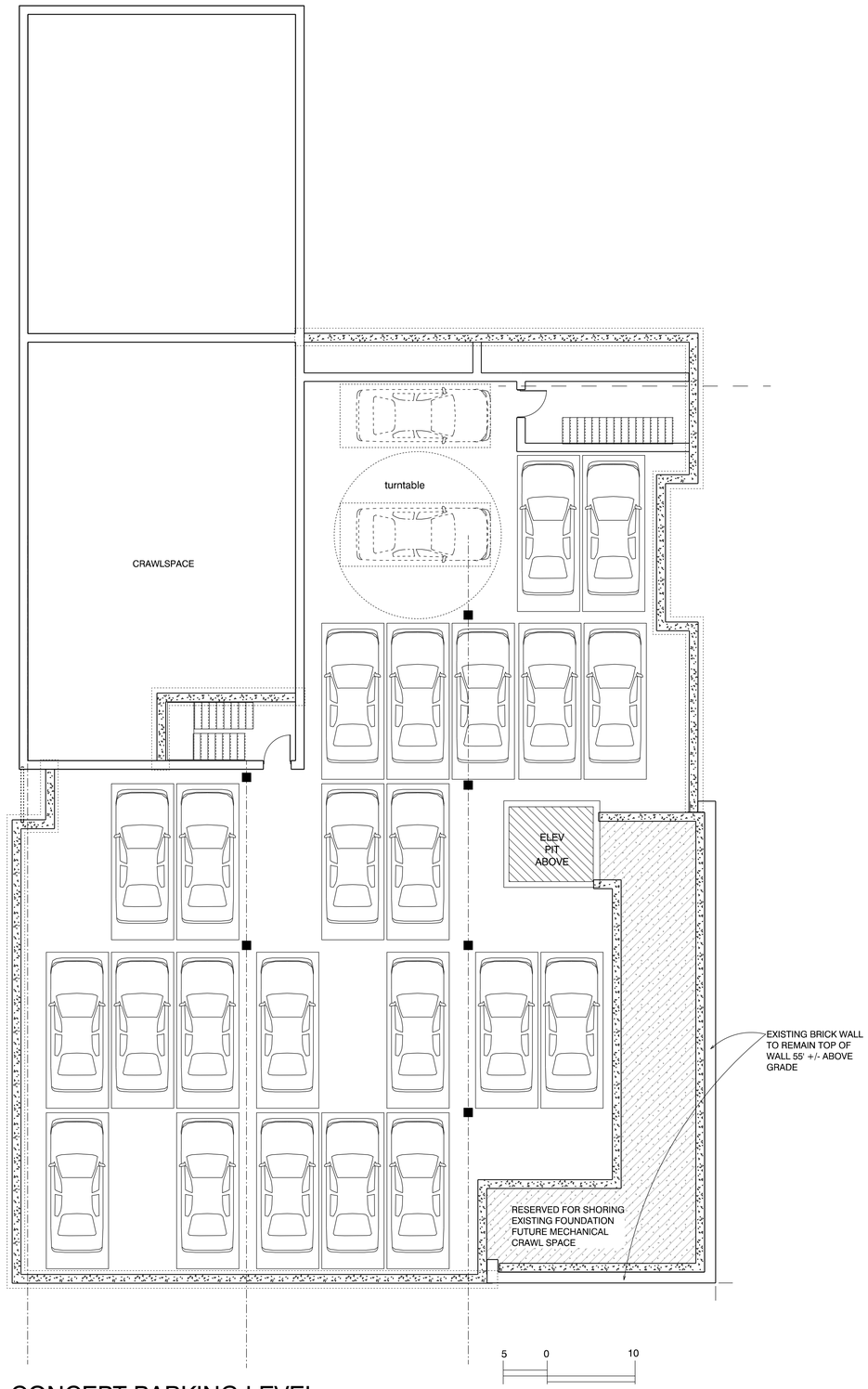
DATE:

SCALE:

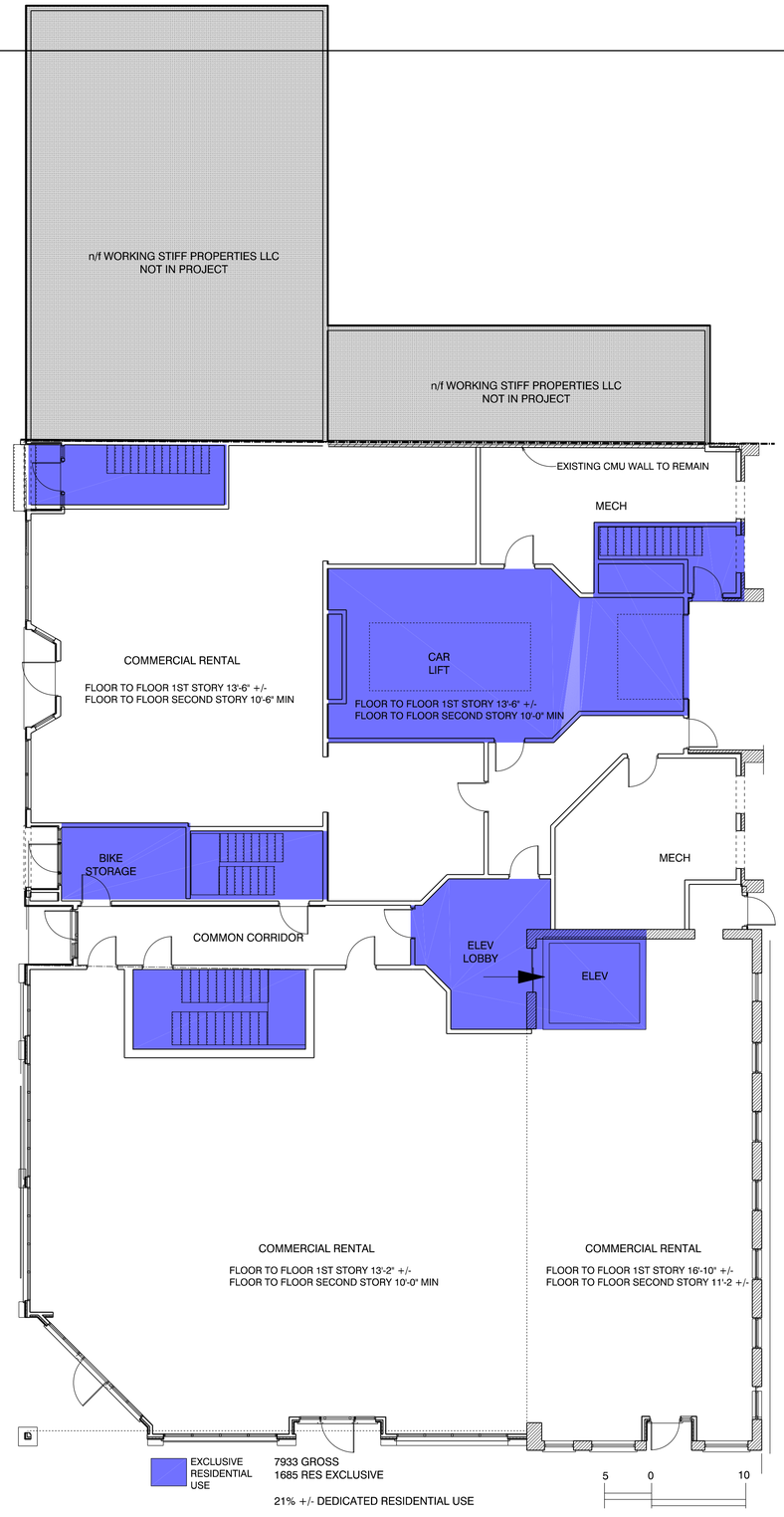
DRAWING NO.

PB2

DO NOT SCALE PRINTS



CONCEPT PARKING LEVEL



CONCEPT FIRST FLOOR PLAN

mjk
Michael J. Keane
Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR
REVIEW IN
PREPARING THE
APPLICATION
9/24/2020

Accept only original stamp and signature
copies may contain unauthorized modifications

PROJECT

PROPOSED
RESTORATION AND EXPANSION OF
266, 270 278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH
FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE

CONCEPT PLANS PARKING AND FIRST

DRAWN BY:

CHECKED BY:

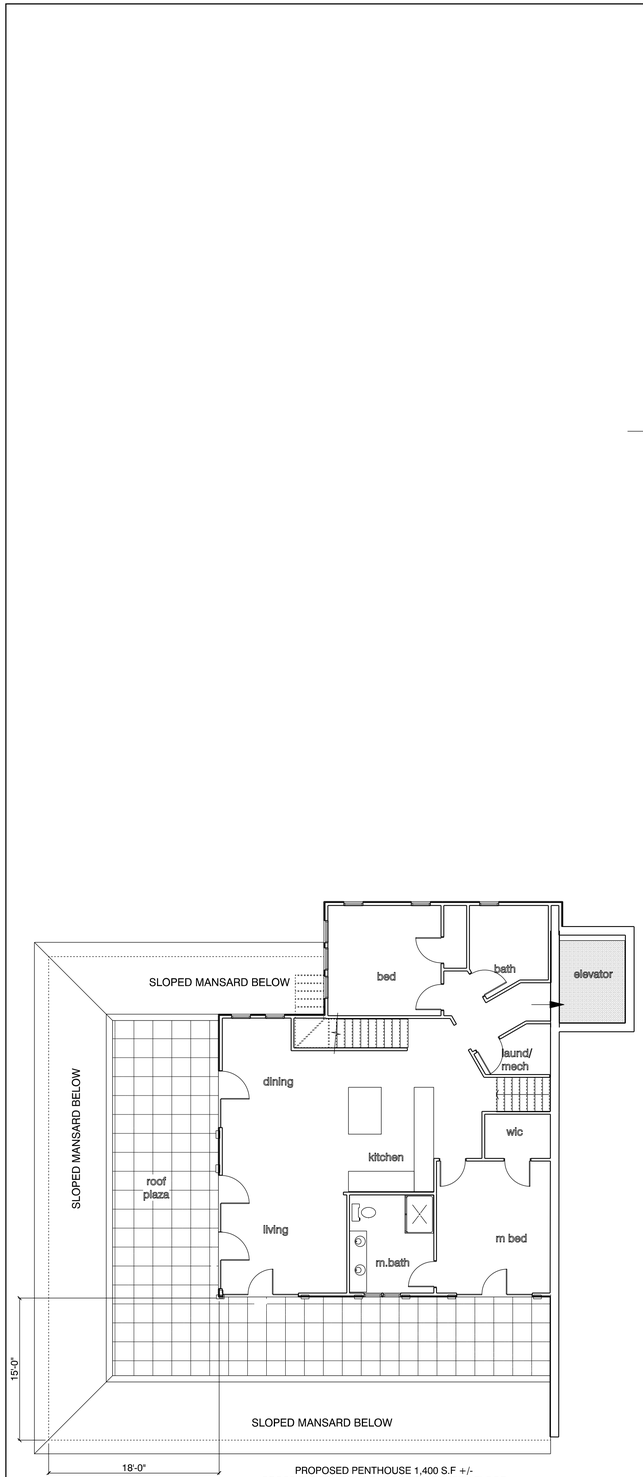
DATE:

SCALE:

DRAWING NO.

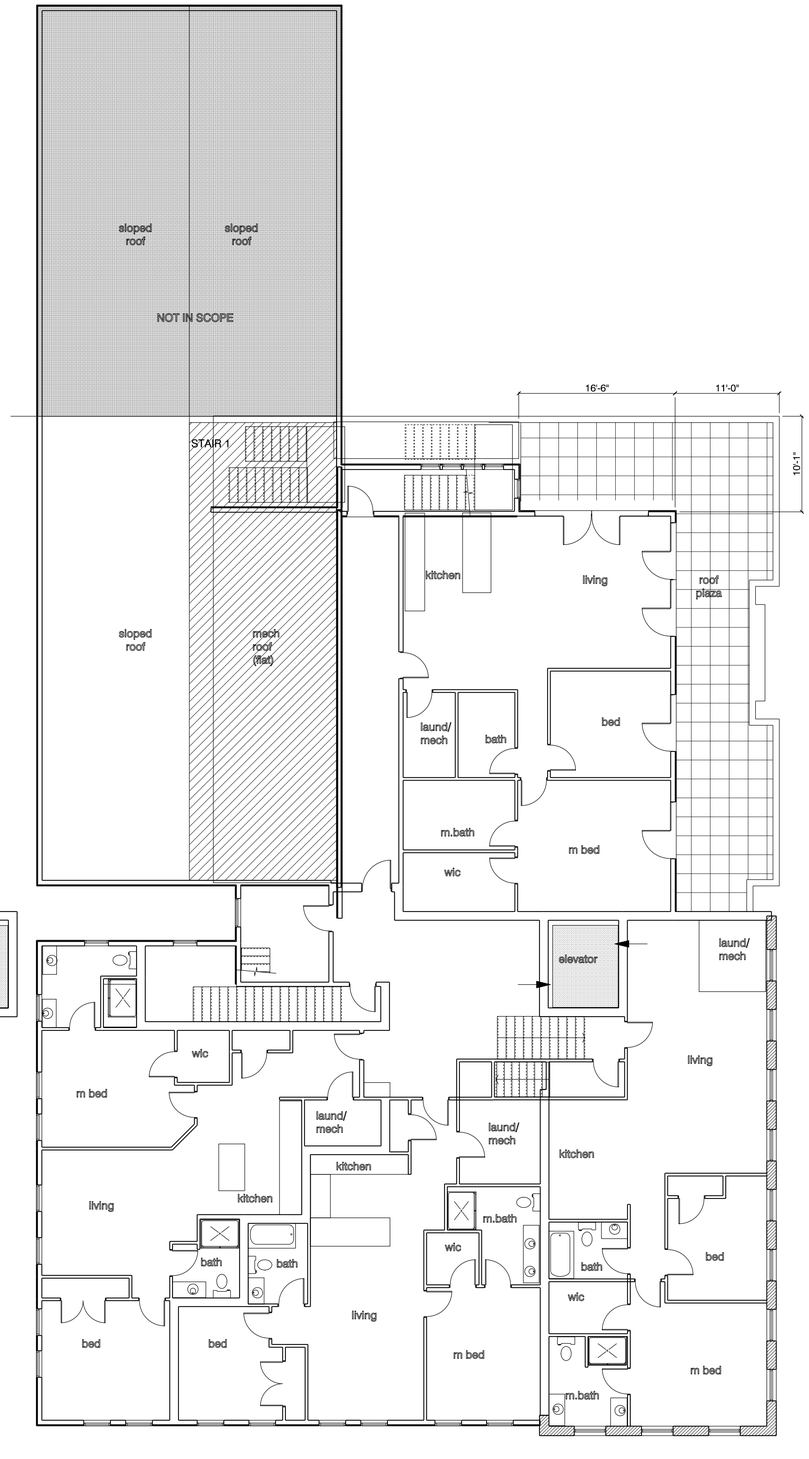
PB3

DO NOT SCALE PRINTS

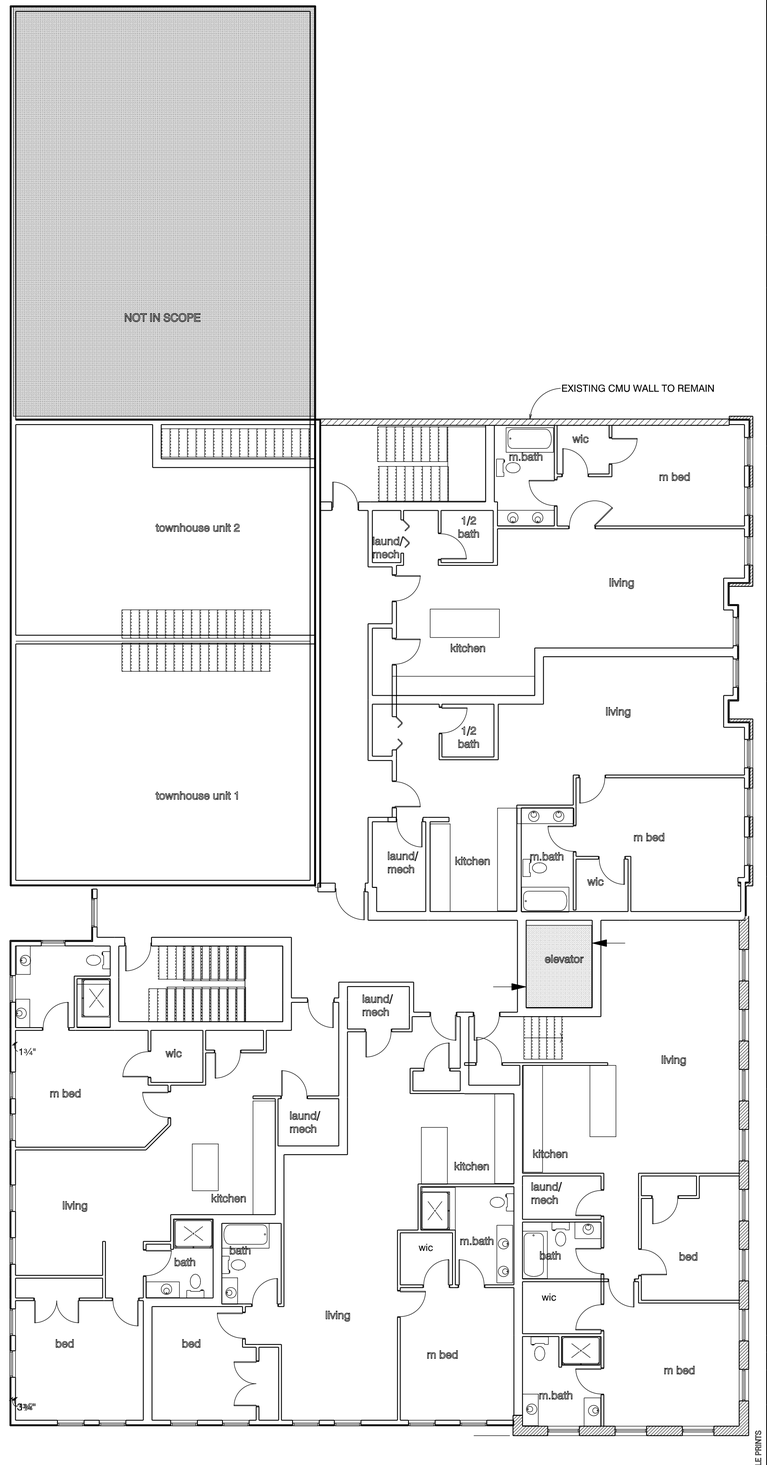


PROPOSED PENTHOUSE 1,400 S.F +/-
GROSS FLOOR AREA OF ADDOTION FOURTH FLOOR
(EXCLUDING "TIMES" BUILDING) 2,916 S.F +/-
2,2916 S.F /2 = 1458 S.F. +/- ALLOWED PENTHOUSE
AREA ABOVE ADDITION
1,400 +/- PROPOSED

PENTHOUSE PLAN



FLOOR 4 PLAN



TYPICAL FLOOR 2-3 PLAN

5 0 10

DO NOT SCALE PRINTS

mjk
Michael J. Keane
Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR REVIEW IN PREPARING THE APPLICATION 9/24/2020

Accept only original stamp and signature
copies may contain unauthorized modifications

PROJECT
PROPOSED
RESTORATION AND EXPANSION OF
266, 270 278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH
FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE
CONCEPT PLANS 2-5

DRAWN BY:
CHECKED BY:
DATE:
SCALE:
DRAWING NO.

PB4



PLEASANT STREET ELEVATION

SCALE: 3/16" = 1'-0"

mjk

Michael J. Keane
Architects, PLLC

ARCHITECTURE
PLANNING
DESIGN

101 Kent Place
Newmarket, NH
03857

603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR
REVIEW IN
PREPARING THE
APPLICATION
9/24/2020

Accept only original stamp and signature
copies may contain unauthorized modifications

PROJECT

PROPOSED
RESTORATION AND EXPANSION OF
266, 270 278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH

FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE

PLEASANT STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE:

SCALE:

DRAWING NO.

PB5

DO NOT SCALE PRINTS



STATE STREET ELEVATION

SCALE: 3/16" = 1'-0"

mjk
Michael J. Keane
Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR REVIEW IN PREPARING THE APPLICATION 9/24/2020

Accept only origianl stamp and signature copies may contain unauthorized modifications

PROJECT

PROPOSED
RESTORATION AND EXPANSION OF 266, 270 278 STATE STREET AND 84 PLEASANT ST, PORTSMOUTH NH
FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE

STATE STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE:

SCALE:

DRAWING NO.

PB6

DO NOT SCALE PRINTS



CHURCH STREET - MANSARD ALTERNATIVE SHOWN FOR COMPARISION

SCALE: 1/8" = 1'-0"



PROPOSED CHURCH STREET ELEVATION

SCALE: 3/16" = 1'-0"

mjk
Michael J. Keane Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA DRAFT FOR REVIEW IN PREPARING THE APPLICATION 9/24/2020

Accept only origianl stamp and signature copies may contain unauthorized modifications

PROJECT

PROPOSED
RESTORATION AND EXPANSION OF 266, 270 278 STATE STREET AND 84 PLEASANT ST, PORTSMOUTH NH
FOR:
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH NH 03801

TITLE

CHURCH STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE:

SCALE:

DRAWING NO.

PB7

DO NOT SCALE PRINTS

NEW ELEVATOR
OVERRIDE BEYOND
VENEER BRICK
MATCH EXISTING

METAL GUTTER PAINTED
TO MATCH TRIM

10'-6"
10'-0"
13'-2¼"
10'-0"
2'-0"

FLOROS BUILDING

0 1/16"

METAL
CANOPY

10

530 S.F. GROSS
67.82 TRANSOM
194.5 STOREFRONT
262.32 FACADE GLAZING

FIRST FLOOR FACADE GLAZING 49.5%

5 0 10

250 S.F. GROSS
33.74 TRANSOM
96.87 STOREFRONT
130.61 FACADE GLAZING

FIRST FLOOR FACADE GLAZING 52%

556.2 S.F. GROSS

FLOROS BUILDING

WOOD COMPOSITE PILASTER

EXISTING BRICK
TO REMAIN

GRANITE PANEL
TYP AT MASONRY
STOREFRONTS

530 S.F. GROSS
67.82 TRANSOM
194.5 STOREFRONT
262.32 FACADE GLAZING

FIRST FLOOR FACADE GLAZING 49.5%


METAL GUTTER PAINTED TO MATCH TRIM
METAL DOWNSPOUT PAINTED TO MATCH SIDING/STOREFRONT
5'-5"
10'-6"
10'-0"
13'-2¼"
10'-0"
2'-0"
EXISTING NOT IN CONTRACT
FLOROS BUILDING
500 S.F. GROSS
58.2 TRANSOM
157.55 STOREFRONT
215.75 FACADE GLAZING
FIRST FLOOR
FACADE GLAZING 43%
567.5 S.F. GROSS
70.68 TRANSOM
202.6 STOREFRONT
273.28 FACADE GLAZING
FIRST FLOOR
FACADE GLAZING 48.1%
5
0
10


NEW ELEVATOR
OVERRIDE BEYOND
VENEER BRICK
MATCH EXISTING
8.3
8.3
8.3
8.3
8.3
8.3
8.3
8.3
6.4
6.4
3.6
3.6
556.2 S.F. GROSS
66.4 GLAZING
11.75 FACADE GLAZING
FIRST FLOOR FACADE GLAZING 12%
5
0
10
536.6 S.F. GROSS
20 GLAZING
.03 FACADE GLAZING
FIRST FLOOR FACADE GLAZING 0.03%

Elisabeth Blaisdell
77 New Castle Ave
Portsmouth NH 03801

9/29/2020

Dear Planning Board,

Enclosed is my application for obtaining dimensional relief to install a small minisplit condenser on a hidden side of the exterior of our backyard garden shed. Due to COVID, my husband and I are both working remote. With small toddlers at home, we've been using our uninsulated and unheated/cooled garden shed to work. With winter approaching we need to insulate and heat the space to make it useable as a home office. While we can install the condenser without the variance, we are sensitive to both neighbor and historic district concerns about visibility of the small mechanical equipment. As such, we are applying for a variance to hide the unit next to our shed and behind our neighbor's tall fence. This area is not visible to any neighbors, our house, or the road. The enclosed photos show the location and size/design of the condenser as well as examples of our next-door neighbor's condensers, which have been placed in a similar fashion.

We believe this request meets the requirements for a variance based on these factors tied to the ordinance:

10.233.21 The variance will not be contrary to the public interest: Putting the condenser in this location eliminates any visibility to the public or neighbors and reduces any noise caused by the mechanical equipment.

10.233.22 The spirit of the Ordinance will be observed: While we could place this condenser in a different location without a variance, we are being respectful of HDC concerns and eliminating any neighborhood concerns, by taking this step of asking for this dimensional relief. Neighbors would not be aware of any change to the property if this variance is granted.

10.233.23 Substantial justice will be done: Due to the unique nature of this historic property, the only location that meets the 10' setback requirement is the one spot visible from the road (as well as from neighbors' yards). It would also place the condenser in the way of people, including our small children. In granting the variance, the condenser would be concealed and out of immediate reach, causing no impact to all surrounding properties, which would not be the case if we moved the condenser to the front of the structure, where the mechanical equipment could be viewed by multiple neighbors and the street.

10.233.24 The values of surrounding properties will not be diminished: This variance is being requested specifically for this purpose as the location of the mechanical equipment will eliminate any visibility and impact on surrounding properties.

10.233.25 Literal enforcement of the provisions of the of the Ordinance would result in an unnecessary hardship: Remote work due to COVID requires a safe workspace for my husband and I that is separate from our small, main house where our toddlers play (and make lots of noise!!!). The garden shed, which is currently unheated or insulated, provides our only option. Our proposed work will make it a suitable, safe office during this global pandemic. Any heating and cooling system will require some external disturbance to the structure. As our next-door neighbors have demonstrated, the minisplit is the best all-around option for performance and efficiency. The ability to place the condenser in a concealed location is in the best interest of our neighbors, the historic district, and this ordinance. It also keeps the mechanical equipment out of harm's way for our small children.

Thank you for your consideration,

Elisabeth Blaisdell

Site plan showing proposed location of the condenser where we require dimensional relief from the 10’ setback in order to eliminate visual disturbance in the historic district

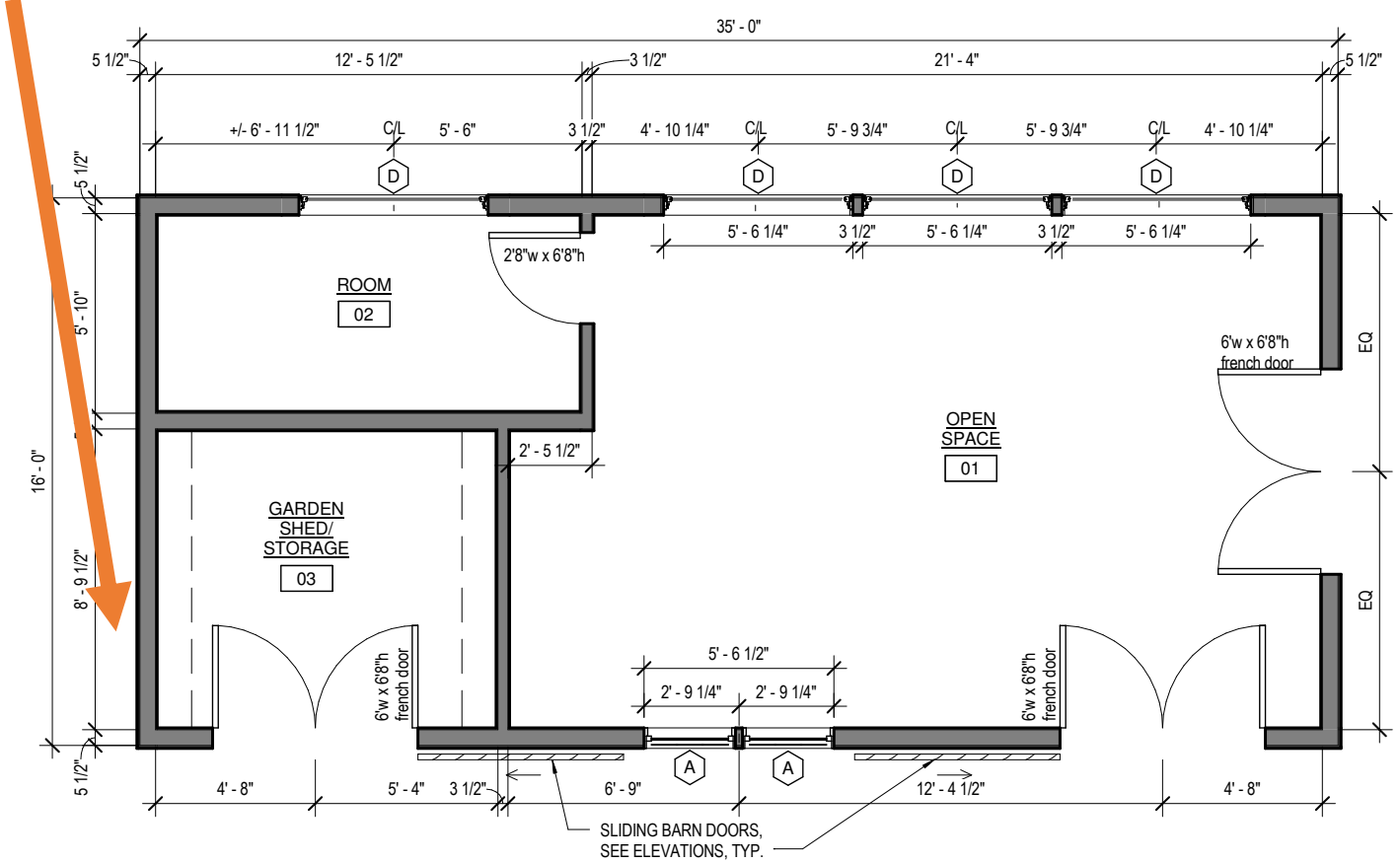
Proposed location of condenser



Elevation of the garden shed showing the proposed exterior location of the condenser

Proposed location of condenser

69 New Castle Ave barn (with condenser facing our shed)



A3.3 2

1 A3.3

Our house (77 New Castle Ave)

1 A3.1

FIRST FLOOR

SCALE: 1/4" = 1'-0"
DATE: 09/27/13

BLAISDELL RESIDENCE
Barn
Portsmouth, NH

OWNER
Betsy Blaisdell
77 New Castle Ave.
Portsmouth, NH

US



Visibility to shed (where construction will take place) from street. The side where the condenser will be is not viewable from the street, any neighboring properties, or even from our house (due to location in the back corner of our property and a fence whose shape and size blocks all views).



View of the shed, proposed building permit location, from our house. The condenser will be hidden behind a fence on the left side of the structure.

The condenser could be placed on the front of the building without a variance, but it would be viewable by two sets of neighbors, from the road, and from our house. Given our location in the historic district, we're trying to minimize any visibility to mechanical equipment with this variance application

The neighbor’s fence makes a notch out to accommodate our barn and property line. This 3’foot bump out from our structure is the perfect hiding place for mechanical equipment because it is not viewable until you sneak beside the barn at the fence bump out



Condenser unit will be hidden behind the fence on the left and not visible from our yard or our neighbors (due to neighbor’s fence)



Proposed condenser location will be between our barn (in green) and the neighbor's fence. Width is approx. 3', requiring a variance from the 10' set back requirement

Narrow entrance to bump out in fence means there is no visibility from anyone's property

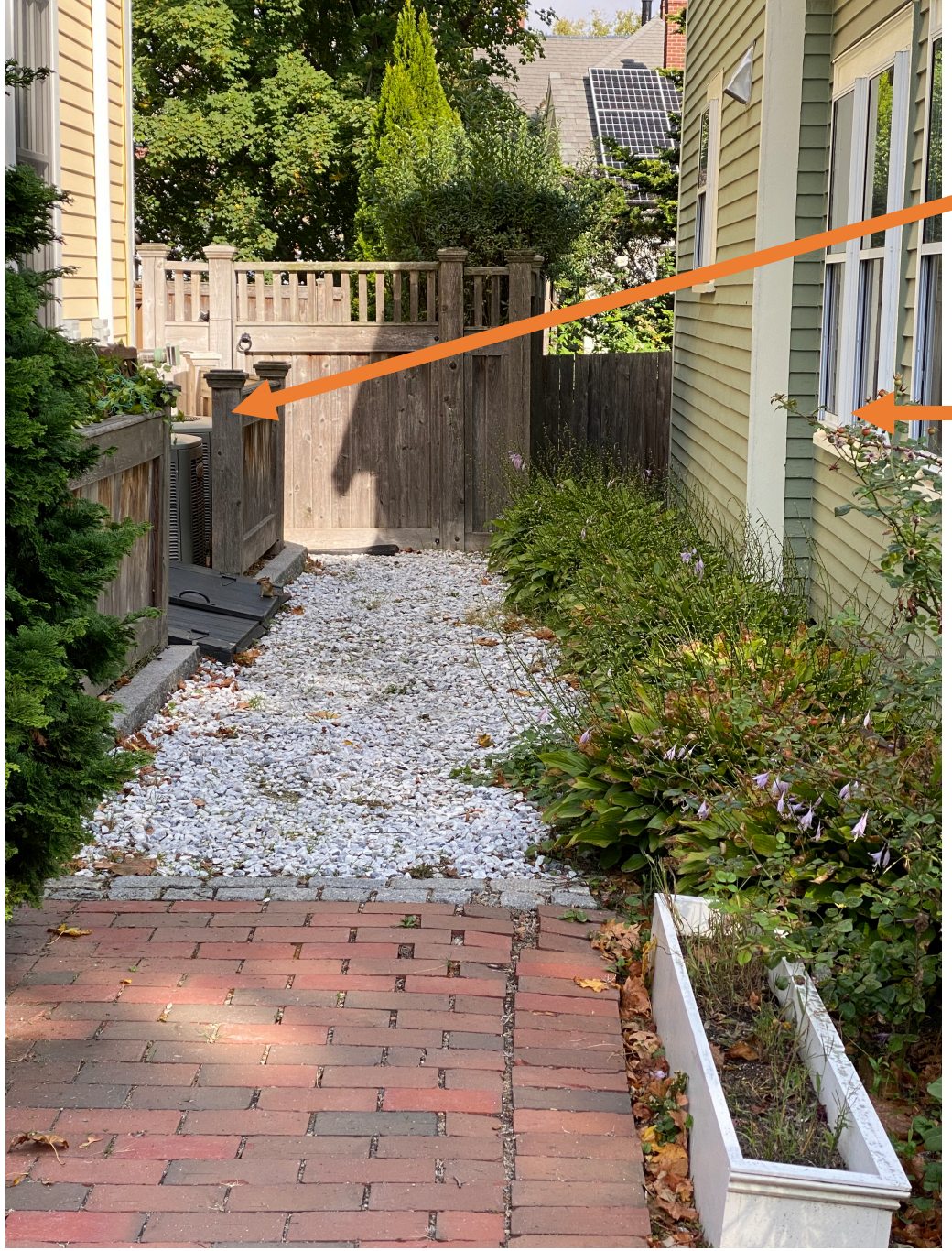


Measured width in the proposed location for the condenser (39”)





Interior view of the barn (left side if facing front of the structure) where the interior unit of the minisplit will go in the interior



On the same side of our property where we propose to put the condenser, our neighbors have installed three condensers, two on their house and one on their barn in their backyard. All three face our property directly. The two on their main house are within a few feet of our property line and perfectly visible from our dining room and New Castle Ave.

Our dining room





View of our neighbor’s condenser on their barn, which faces our shed. You can see the bump out in the fence for our barn where their bushes bump into their yard. Our condenser will be a similar size but far newer

Our garden shed, proposed location of the condenser



Specifications for our proposed minisplit:

Manufacturer Name: LG
Manufacturer Part No: LAU120HSV2

Quantity: 1 Add to Cart

Add to a new shopping list





This is an outdoor unit only. Indoor unit (LAN120HSV2) must be purchased separately.
(This item is not compatible with discontinued model LAU120HSV. You can not mix and match these items)

This item qualifies under the American Taxpayer Relief Act of 2012 renewed the federal tax credits for homeowners who install high efficiency energy saving products in their prir between January 1, 2012 and December 31, 2013, subject to certain limitations.

To apply for the tax credit, you must file and submit the relevant tax forms. For products "placed in service" in 2013, you would take the tax credit on your 2013 income taxes. Re your receipts and the Manufacturer's Certification Statement for your records.

Please see Federal Tax Credits for Consumer Energy Efficiency for additional information.

The slim, contemporary styling of the Art Cool models will appeal to today's discerning customer. Art Cool Duct-Free Air Conditioning Systems from LG maximize the efficiency a duct-free technology.

Specs

Cooling Capacity (BTU):	11200
Heating Capacity (BTU):	13300
Energy Star Rated:	Yes
Number of Zones:	1
Refrigerant Type:	R-410A
Application:	Cooling
EER:	12.5
SEER:	20
Outdoor Voltage:	230/208-60-1
Outdoor dB(A):	45
Outdoor Weight:	77.2 lbs
Outdoor Dimensions (H x W x D):	21-7/16" x 30-5/16" x 11-5/16"

Contents of Board of Adjust Application to demolish and build a new home at 200 McDonough Street, Portsmouth, NH.

Agenda

1. Background/Narrative
2. Existing Conditions Photographs
3. Tax Map
4. Existing Conditions Site Plan/Survey and Proposed Conditions Site Plan with Dimensional Details
5. Proposed Front Elevation
6. Proposed Right Side Elevation
7. Proposed Left Side Elevation
8. Proposed Rear Elevation
9. Proposed 1st Floor Plan
10. Proposed 2nd Floor Plan
11. Proposed Attic Plan
12. Proposed Basement Plan
13. Addressing the 5 Criteria

Background/Narrative; 200 McDonough

Gregory and Elizabeth LaCamera purchase 200 McDonough in September. The plan is to move there for the long term. After reviewing the existing poor conditions and structure instability, it was determined the best course of action was to demolish/rebuild. With that decision made, another focus became meeting setbacks and decreasing building coverage.

After reviewing/researching the surrounding properties, the current proposal was developed. The goal is to build a structure that fits the character of the neighborhood well, while possessing similar setbacks/coverage as neighboring properties.

Primary Front and Second Front Current Condition Pictures









Left Side Current Condition Pictures









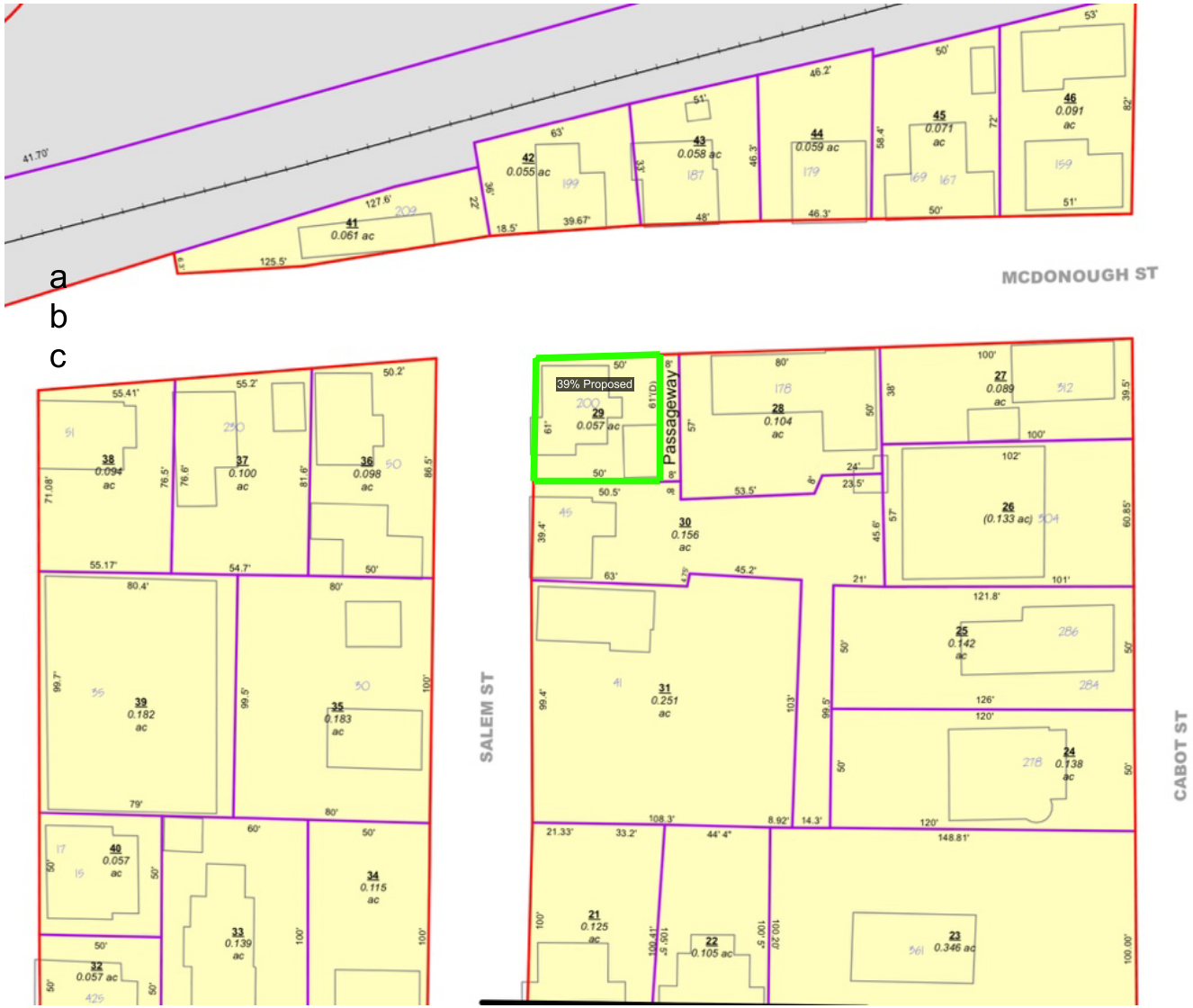
Rear Yard Current Condition Pictures

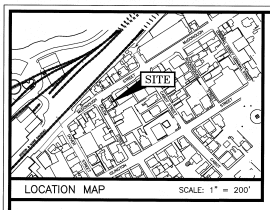








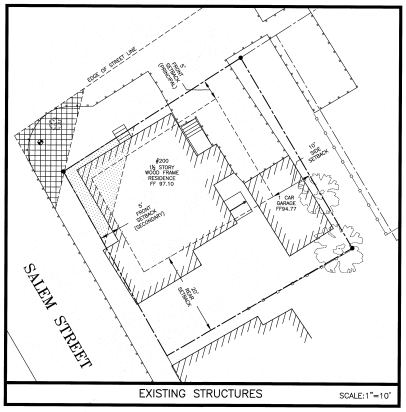

a
b
c
MCDONOUGH ST
Passageway
39% Proposed
SALEM ST
CABOT ST
41 0.061 ac
42 0.055 ac
43 0.058 ac
44 0.059 ac
45 0.071 ac
46 0.091 ac
38 0.094 ac
37 0.100 ac
36 0.098 ac
39 0.182 ac
35 0.183 ac
40 0.057 ac
34 0.115 ac
33 0.139 ac
32 0.057 ac
29 0.057 ac
28 0.104 ac
27 0.089 ac
30 0.156 ac
26 (0.133 ac)
31 0.251 ac
25 0.142 ac
24 0.138 ac
21 0.125 ac
22 0.105 ac
23 0.346 ac



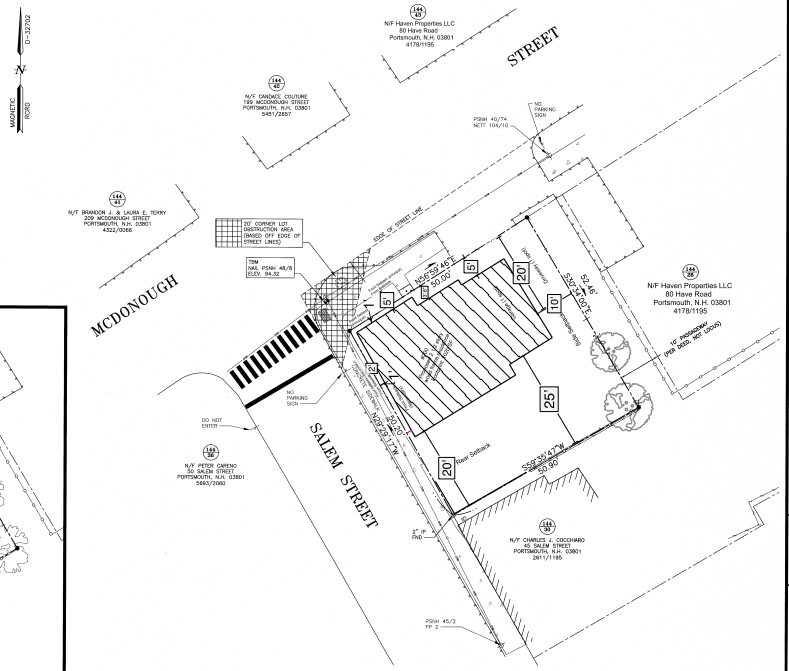
LOCATION MAP SCALE: 1" = 200'

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROVATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
RR SPK	RAILROAD SPIKE
⊕	MAP 11/LOT 21
○ IR FND	IRON ROD FOUND
○ IP FND	IRON PIPE FOUND
● IR SET	IRON ROD SET
▭ RR SPIKE FND	RAILROAD SPIKE FOUND



EXISTING STRUCTURES SCALE:1"=10'



APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN DATE

GRAPHIC SCALE

10 5 0 10 20 30 40 FEET
3 0 5 10 METERS

NOTES:

1) Parcel is shown on the City of Portsmouth assessor map 144 as lot 29

2) Owners of Record:
Gregory and Elizabeth LaCamera
34 Rock Street, Portsmouth, NH 03801

3) Parcel is not in a flood hazard zone

4) Existing Lot Area:
2588 S.F.
0.059A AC.

5) Parcel is located in the General Residence C (GRC) District

6) Dimensional Requirements:

	Required	Existing	Proposed
Min. Lot area.	3500 S.F.	2588 S.F.	2588 S.F.
Min. Per Dwelling	3500 S.F.	2588 S.F.	2588 S.F.
Frontage	70 FT	100 FT	100 FT
Setbacks			
P. Front.	0.5 FT*	1.45 FT	1 FT ^
S. Front	0.5 FT*	0 FT	1 FT ^
Side	10 FT	5.93 FT	10 FT
Rear	20 FT	1.54 FT	20 FT
Max Height.	35 FT	<30 FT	29FT
Max Coverage	35%	46.8%	39.5%
Min Open Space	20%	27.9%	50%
Parking Spots	2	2	2

*Per Section 10.516.10, the average setback within 200' of the subject property is 0.5'

^Primary Front Setback is 5 FT from the Sidewalk, Secondary Front Setback is 2 FT from the Sidewalk.

7) The purpose of this plan is to show a proposed replacement of the existing structure and the variances required.

Variances Requested

1) Variance from 10.521 to allow a lot area of 2588 SF where a minimum of 3500 SF is required; note this is an existing non-conforming lot.

2) Variance from 10.521 to allow a lot area per dwelling of 2588 SF where a minimum of 3500 SF is required; note this is an existing non-conforming lot.

4) Variance from 10.521 to allow a building coverage of 39.5% where a maximum of 35% is required; note the building coverage of the existing home is 46.8%.

200 MCDONOUGH STREET PORTSMOUTH, N.H.

1 - Issues for BOA Submission 8/20/20

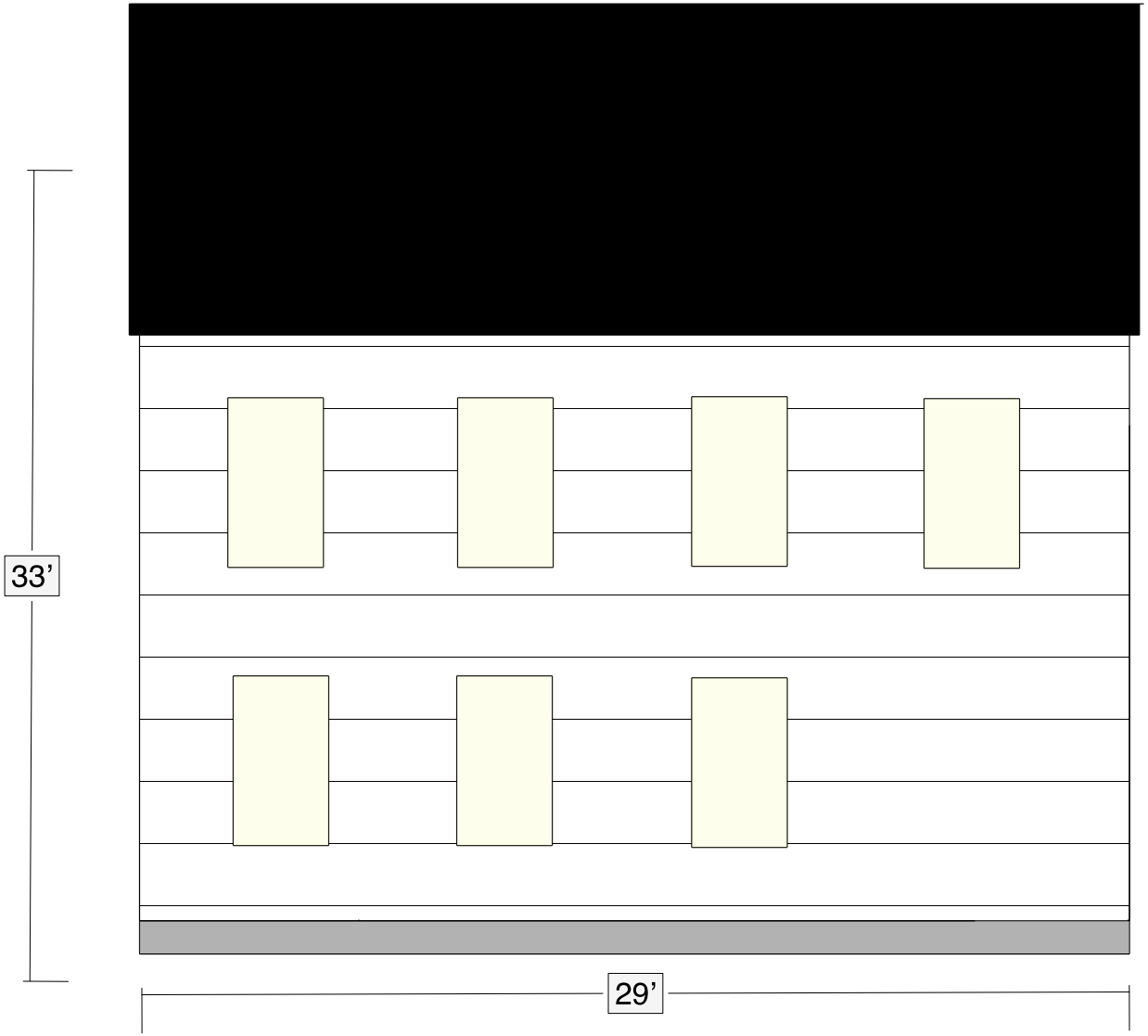
VARIANCE APPLICATION PLAN

C:\Users\jmcdonald\Documents\DWG\200 McDonough Street Portsmouth NH\Sheets\PACKET SET_2020.dwg C2 VARIANCE PLAN 8/20/2020 8:53:09 AM jmcdonald

Front View



Right Side View

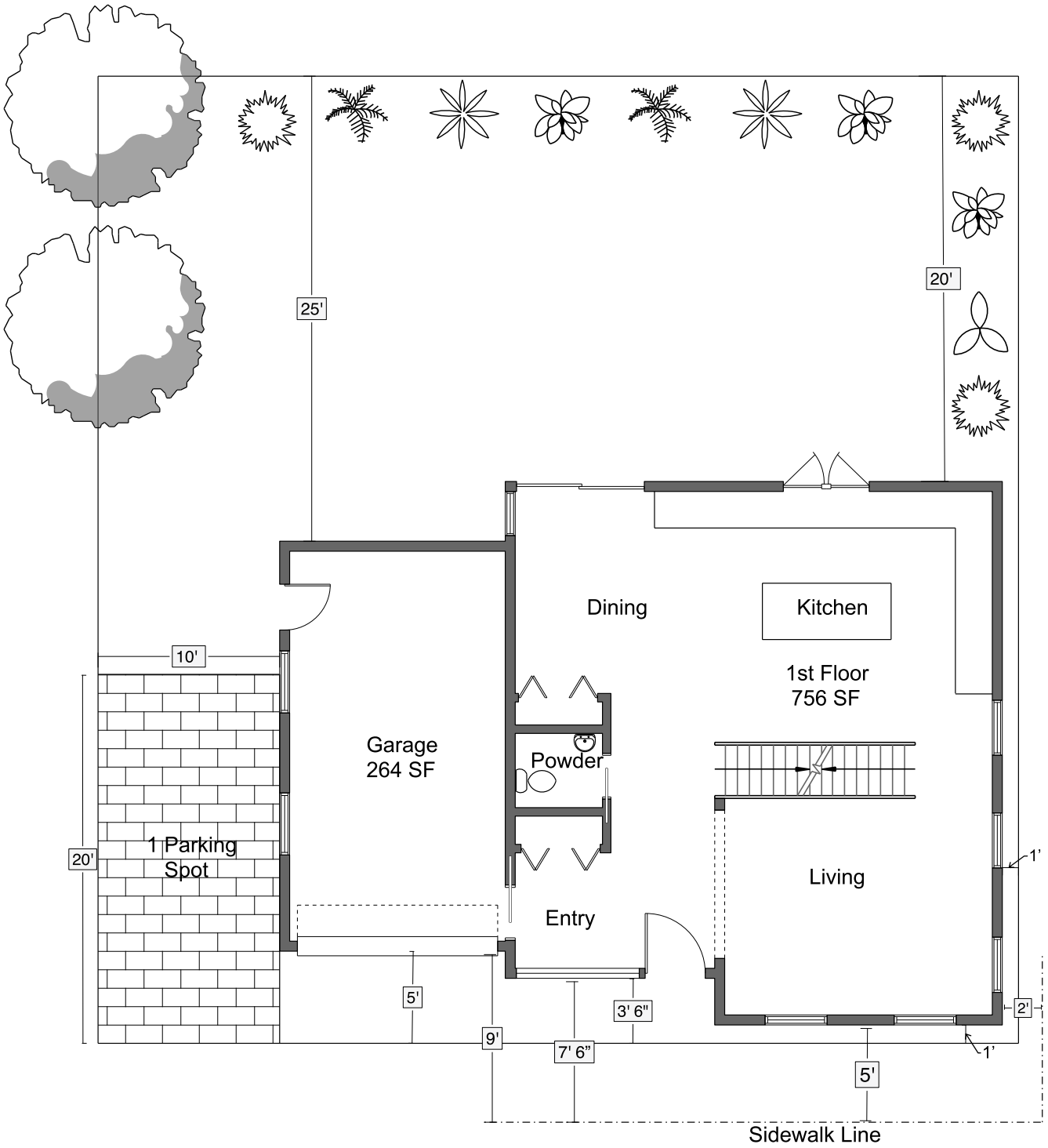


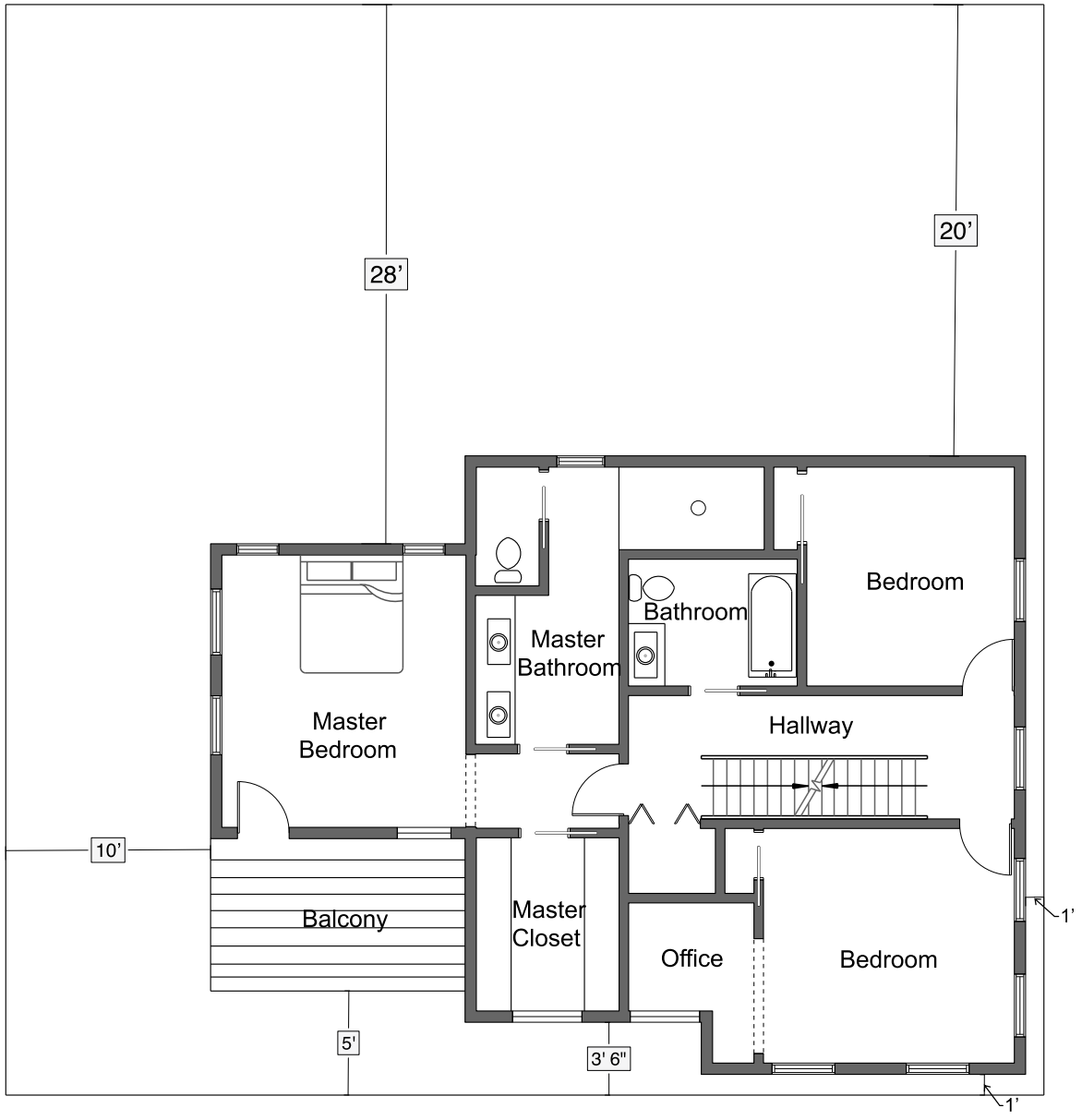
Rear View

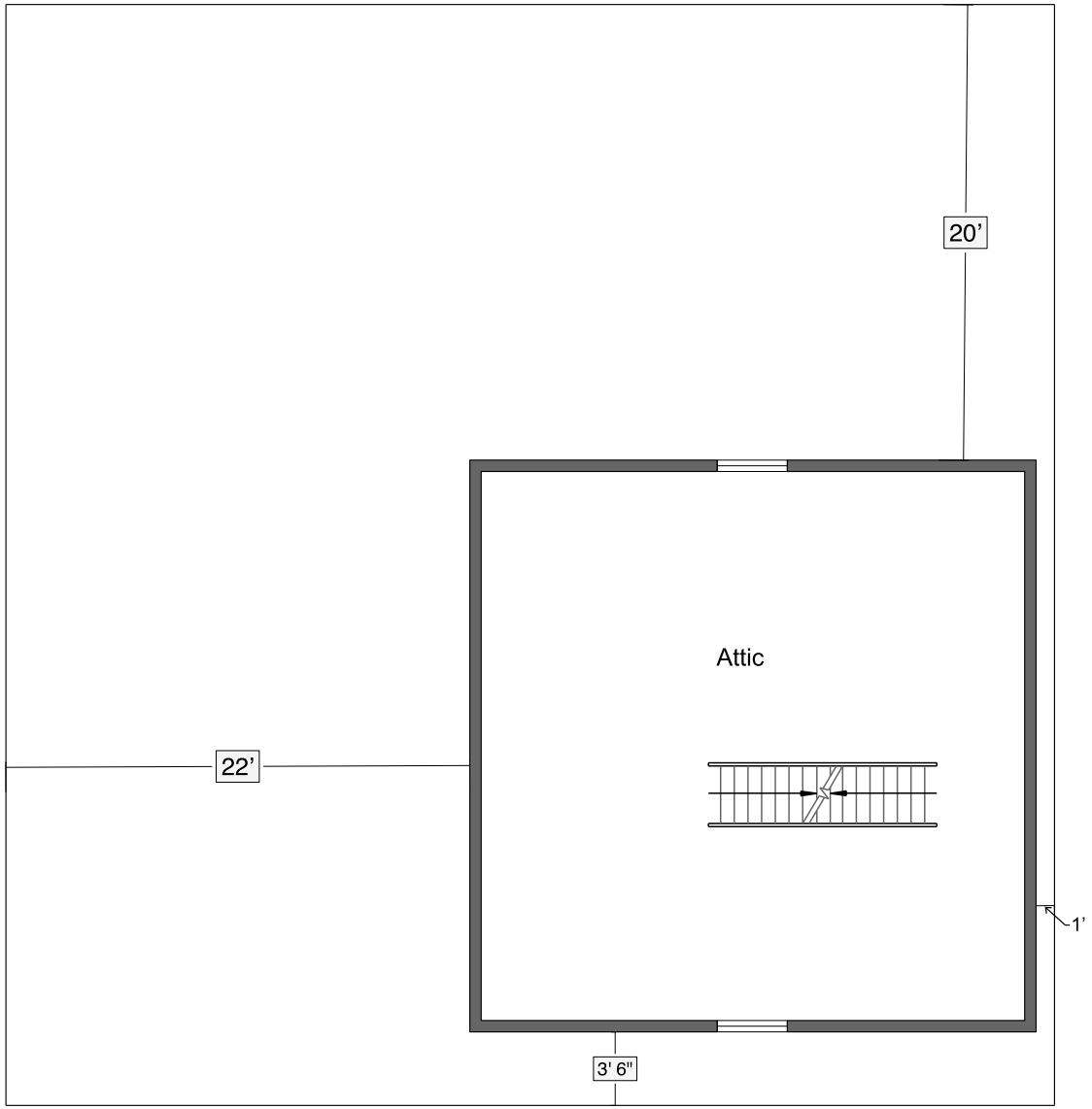


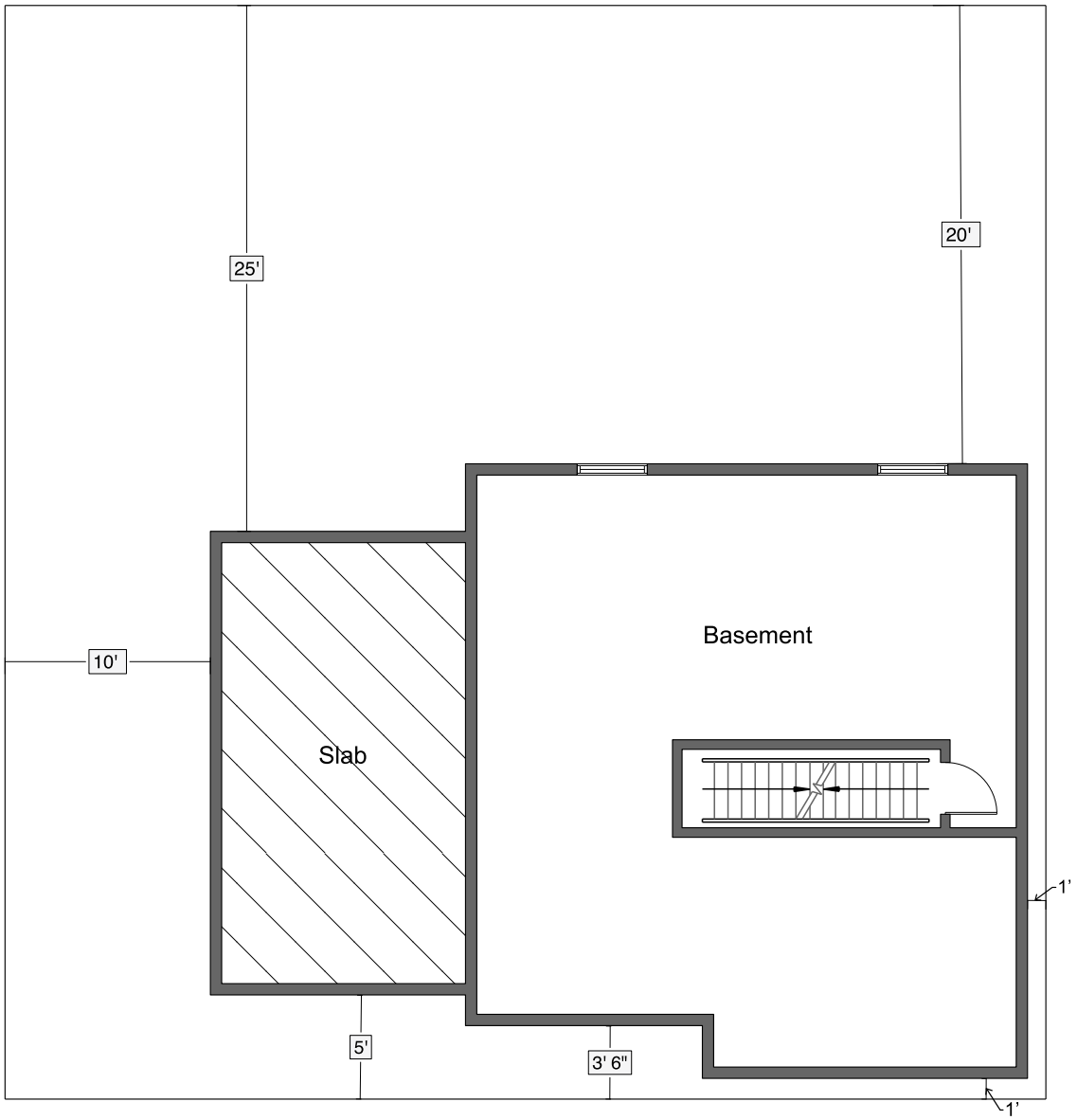
Left Side View




25'
20'
Dining
Kitchen
1st Floor
756 SF
10'
Garage
264 SF
Powder
1 Parking
Spot
20'
Living
1'
Entry
5'
3' 6"
2'
9'
7' 6"
1'
5'
Sidewalk Line


28’
20’
Master
Bedroom
Master
Bathroom
Bathroom
Bedroom
Hallway
10’
Balcony
Master
Closet
Office
Bedroom
1’
5’
3’ 6"
1’


20’
Attic
22’
1’
3' 6"


25'
20'
10'
Basement
Slab
1'
5'
3' 6"
1'

Addressing the 5 Criteria; 200 McDonough

1. Public Interest

The existing home and garage are in a poor state. In addition, the current structures have setbacks close to or on the property line. The new proposal decreases and meets all setback requirements. The building coverage also decreases from 47% to 39%. The proposed building coverage is typical for the neighborhood. In addition, the essential character of the neighborhood will be met if not enhanced. Based on what is outlined above, the proposal is not contrary to public interest.

2. Spirit of Ordinance

The proposal strives to fit into its surroundings by making the most of a non-conforming lot. The proposal is true to the ordinance and dramatically improves from existing.

3. Substantial Justice

The proposal does not cause negative impact to surrounding properties. It's goal is to enhance conditions and improve the neighborhood for all residents.

4. Value of Surrounding Property Values Will Not Be Diminished

The substantial investment of this property will enhance the neighborhood and improve neighboring property values.

5. Literal Enforcement Would Result in Unnecessary Hardship

The lot is a unique, existing non conforming lot. The proposal strives to meet all requirements as best as possible. As is common in this neighborhood and Portsmouth, home owners deal with unique lots and work with what is available. Literal enforcement will result in unnecessary hardship.

34 SCHOOL STREET • LITTLETON, NH 03561 • PHONE 603-444-4111 • FAX 603-444-1343 • www.horizonsengineering.com

Project No. 16074
October 1, 2020

City of Portsmouth Zoning Board of Adjustment
1 Junkins Avenue,
Portsmouth NH, 03801

Subject: Woodbury Cooperative - Zoning Variance Request Criteria

Dear Board Members,

This letter is to supplement the Land Use Application submitted by Horizons Engineering, Inc on behalf of Woodbury Cooperative seeking Board of Adjustment relief from §10.521 Dimensional Requirements of the City of Portsmouth's Zoning Ordinance and is intended to address §10.233.20 by providing explanation that the variance request meets the required criteria for authorization of a variance by the Board.

§10.233.21 The variance will not be contrary to the public interest;
The essential character of the neighborhood will not be altered in a negative manner.

§10.233.22 The spirit of the Ordinance will be observed;
The proposal, as represented, will result in an equal number of units as currently exist.

§10.233.23 Substantial justice will be done;
The existing long-time density is higher than required so strictly enforcing the ordinance would result in a loss to the Cooperative with no corresponding benefit to the general public.

§10.233.24 The values of surrounding properties will not be diminished;
The proposed replacement of the existing substandard structures with new homes and vehicular traffic improvements will enhance the properties value which should therefore enhance the value of surrounding properties.

§10.233.25 Literal enforcement of the of the previous provisions of the Ordinance would result in an unnecessary hardship;
The property been randomly developed over decades resulting in higher density than what is allowed. The proposal, as represented, will result in an equal number of units as currently exist so there is no fair and substantial relationship between the Ordinance provision §10.233.20 and its specific application to this property. The replacement of the

34 SCHOOL STREET • LITTLETON, NH 03561 • PHONE 603-444-4111 • FAX 603-444-1343 • www.horizonsengineering.com

substandard existing substandard residential structures with new, safer residential units is a reasonable use of the property.

Respectfully,

STEPHEN BOUTIN

Stephen Boutin
Engineering Tech
Horizons Engineering, Inc.

34 SCHOOL STREET • LITTLETON, NH 03561 • PHONE 603-444-4111 • FAX 603-444-1343 • www.horizonsengineering.com

Project No. 16074
September 29, 2020

City of Portsmouth Zoning Board of Adjustment
1 Junkins Avenue,
Portsmouth NH, 03801

Subject: Woodbury Cooperative - Zoning Variance Request

Dear Board Members,

Woodbury Cooperative is a resident owned 14-unit manufactured home park located at 1338 Woodbury Avenue in Portsmouth. The park has existed for decades. The Cooperative is seeking to improve the conditions of their property, in order to raise living conditions on the premises, and increase property value. In addition to the existing 14 manufactured home units on the Cooperatives land, 4 additional buildings exist; a 3-unit apartment building, a garage with overhead apartment, a cottage, and an abandoned store. The Cooperative proposes to demolish three of the four buildings (the garage, the cottage, and the abandoned store) and 4 of the existing mobile homes, leaving the 3-unit apartment building and 10 existing mobile homes intact. The project proposes to supplement the empty space with six manufactured home units, provide adequate parking, and wide the 2-way traffic aisle in and out of the existing park.

To accomplish the desired site and living improvements described above the Cooperative is requesting a zoning variance from City of Portsmouth zoning ordinance §10.521 Dimensional Requirements. The zoning ordinance requires 7,500 SF of lot area per dwelling unit. The existing conditions on the 1.52-acre property are 19 single family units and 1 abandoned store, requiring a total of 142,500 SF or 3.27 acres, leaving the existing conditions non-confirming and the cooperative 1.75 acres short of the requirement. The improvements proposed would keep the number of units the same, therefore, maintaining the existing 1.75-acre variance from the requirement.

The Cooperative kindly asks the board to consider this request based on the proposed work meeting and exceeding the criteria necessary for the board to authorize a variance.

Seeking to improve the living space of their residences, the Woodbury Cooperative's proposed improvements would also undoubtedly serve as a great benefit to surrounding residents and businesses, not only with respect to appearance and property value but to functionality and safety by providing adequate traffic flow and vehicular parking.

17 Sunset Terrace
Newport, VT 05855
Ph.: 802-334-6434
Fax: 802-334-5602

34 School Street
Littleton, NH 03561
Ph: 603-444-4111
Fax: 603-444-1343
www.horizonsengineering.com

176 Newport Rd., PO Box 1825
New London, NH 03257
Ph. 603-877-0116
Fax: 603-526-4285

34 SCHOOL STREET • LITTLETON, NH 03561 • PHONE 603-444-4111 • FAX 603-444-1343 • www.horizonsengineering.com

It is worth noting that the abandoned store with 1,845 SF of living space is not included in lot area per dwelling calculations.

Respectfully,

STEPHEN BOUTIN

Stephen Boutin
Engineering Tech
Horizons Engineering, Inc.

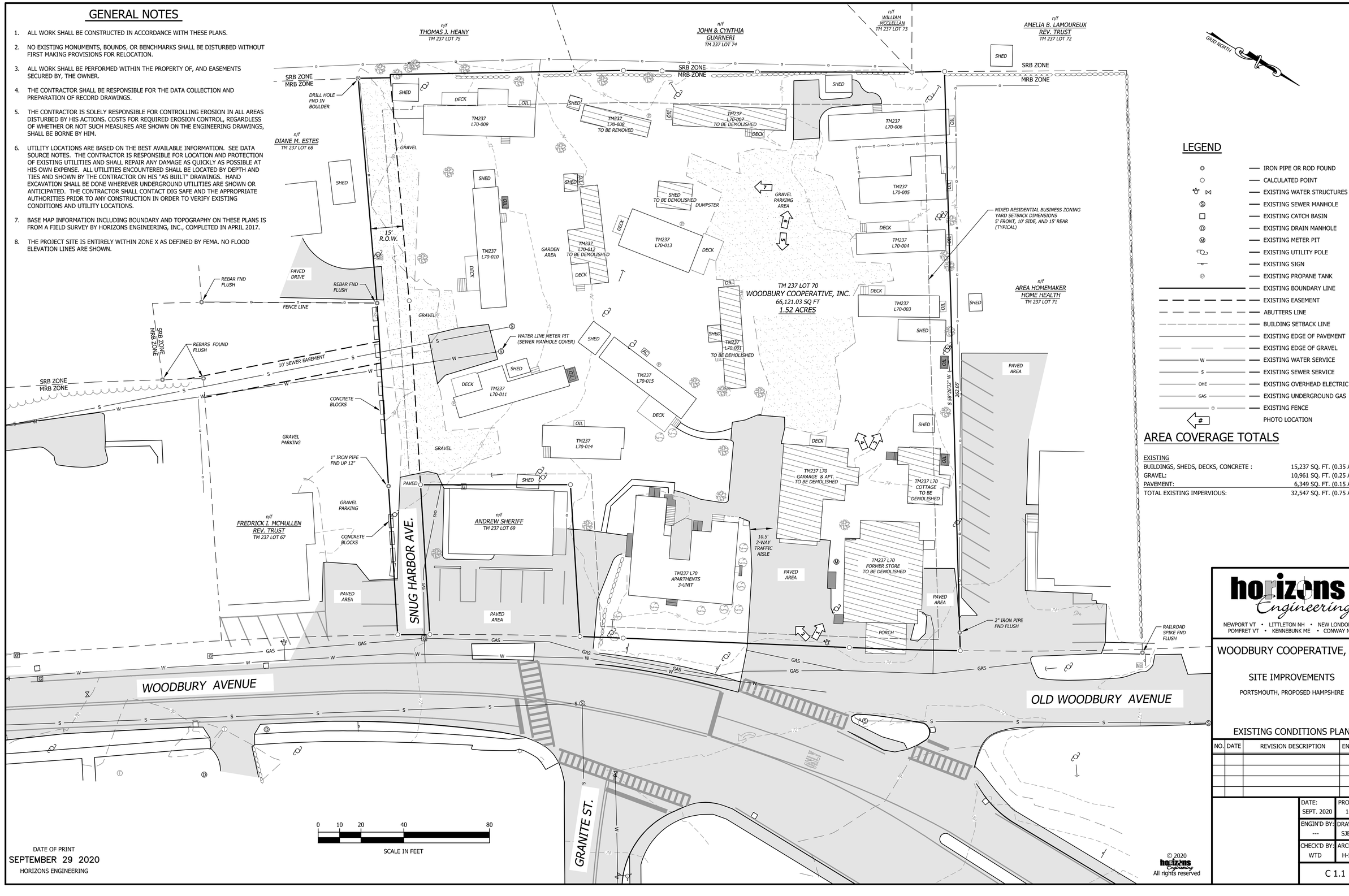
17 Sunset Terrace
Newport, VT 05855
Ph.: 802-334-6434
Fax: 802-334-5602

34 School Street
Littleton, NH 03561
Ph: 603-444-4111
Fax: 603-444-1343
www.horizonsengineering.com

176 Newport Rd., PO Box 1825
New London, NH 03257
Ph. 603-877-0116
Fax: 603-526-4285

GENERAL NOTES

1. ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE PLANS.
2. NO EXISTING MONUMENTS, BOUNDS, OR BENCHMARKS SHALL BE DISTURBED WITHOUT FIRST MAKING PROVISIONS FOR RELOCATION.
3. ALL WORK SHALL BE PERFORMED WITHIN THE PROPERTY OF, AND EASEMENTS SECURED BY, THE OWNER.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DATA COLLECTION AND PREPARATION OF RECORD DRAWINGS.
5. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONTROLLING EROSION IN ALL AREAS DISTURBED BY HIS ACTIONS. COSTS FOR REQUIRED EROSION CONTROL, REGARDLESS OF WHETHER OR NOT SUCH MEASURES ARE SHOWN ON THE ENGINEERING DRAWINGS, SHALL BE BORNE BY HIM.
6. UTILITY LOCATIONS ARE BASED ON THE BEST AVAILABLE INFORMATION. SEE DATA SOURCE NOTES. THE CONTRACTOR IS RESPONSIBLE FOR LOCATION AND PROTECTION OF EXISTING UTILITIES AND SHALL REPAIR ANY DAMAGE AS QUICKLY AS POSSIBLE AT HIS OWN EXPENSE. ALL UTILITIES ENCOUNTERED SHALL BE LOCATED BY DEPTH AND TIES AND SHOWN BY THE CONTRACTOR ON HIS "AS BUILT" DRAWINGS. HAND EXCAVATION SHALL BE DONE WHEREVER UNDERGROUND UTILITIES ARE SHOWN OR ANTICIPATED. THE CONTRACTOR SHALL CONTACT DIG SAFE AND THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION IN ORDER TO VERIFY EXISTING CONDITIONS AND UTILITY LOCATIONS.
7. BASE MAP INFORMATION INCLUDING BOUNDARY AND TOPOGRAPHY ON THESE PLANS IS FROM A FIELD SURVEY BY HORIZONS ENGINEERING, INC., COMPLETED IN APRIL 2017.
8. THE PROJECT SITE IS ENTIRELY WITHIN ZONE X AS DEFINED BY FEMA. NO FLOOD ELEVATION LINES ARE SHOWN.



LEGEND

- IRON PIPE OR ROD FOUND
- CALCULATED POINT
- EXISTING WATER STRUCTURES
- EXISTING SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING DRAIN MANHOLE
- EXISTING METER PIT
- EXISTING UTILITY POLE
- EXISTING SIGN
- EXISTING PROPANE TANK
- EXISTING BOUNDARY LINE
- EXISTING EASEMENT
- ABUTTERS LINE
- BUILDING SETBACK LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING EDGE OF GRAVEL
- W — EXISTING WATER SERVICE
- S — EXISTING SEWER SERVICE
- OHE — EXISTING OVERHEAD ELECTRIC LINES
- GAS — EXISTING UNDERGROUND GAS
- EXISTING FENCE
- # — PHOTO LOCATION

AREA COVERAGE TOTALS

EXISTING

BUILDINGS, SHEDS, DECKS, CONCRETE :	15,237 SQ. FT. (0.35 ACRES)
GRAVEL:	10,961 SQ. FT. (0.25 ACRES)
PAVEMENT:	6,349 SQ. FT. (0.15 ACRES)
TOTAL EXISTING IMPERVIOUS:	32,547 SQ. FT. (0.75 ACRES)

DATE OF PRINT
SEPTEMBER 29 2020
HORIZONS ENGINEERING

horizons Engineering
NEWPORT VT • LITTLETON NH • NEW LONDON NH
POMFRET VT • KENNEBUNK ME • CONWAY NH

WOODBURY COOPERATIVE, INC

SITE IMPROVEMENTS

PORTSMOUTH, PROPOSED HAMPSHIRE

EXISTING CONDITIONS PLAN

NO.	DATE	REVISION DESCRIPTION	ENG	DWG

DATE: SEPT. 2020	PROJECT #: 16074
ENGIN'D BY: ---	DRAWN BY: SJB/CJH
CHECK'D BY: WTD	ARCHIVE #: H-5359

C 1.1

© 2020 horizons Engineering
All rights reserved

\\192.168.52.53\pmft\proj_2016\16074 Woodbury Coop Subdivision\DWGS\Final\16074_FINAL-02.dwg, EXCOND, 9/29/2020 12:28:57 PM, SBoutin

AREA COVERAGE TOTALS

EXISTING	
BUILDINGS, SHEDS, DECKS, CONCRETE :	15,237 SQ. FT. (0.35 ACRES)
GRAVEL:	10,961 SQ. FT. (0.25 ACRES)
PAVEMENT:	6,349 SQ. FT. (0.15 ACRES)
TOTAL EXISTING IMPERVIOUS:	32,547 SQ. FT. (0.75 ACRES)

PROPOSED	
BUILDINGS, SHEDS, DECKS, CONCRETE:	12,820 SQ. FT. (0.29 ACRES)
GRAVEL:	15,953 SQ. FT. (0.37 ACRES)
PAVEMENT:	7,969 SQ. FT. (0.18 ACRES)
TOTAL PROPOSED IMPERVIOUS:	36,742 SQ. FT. (0.84 ACRES)

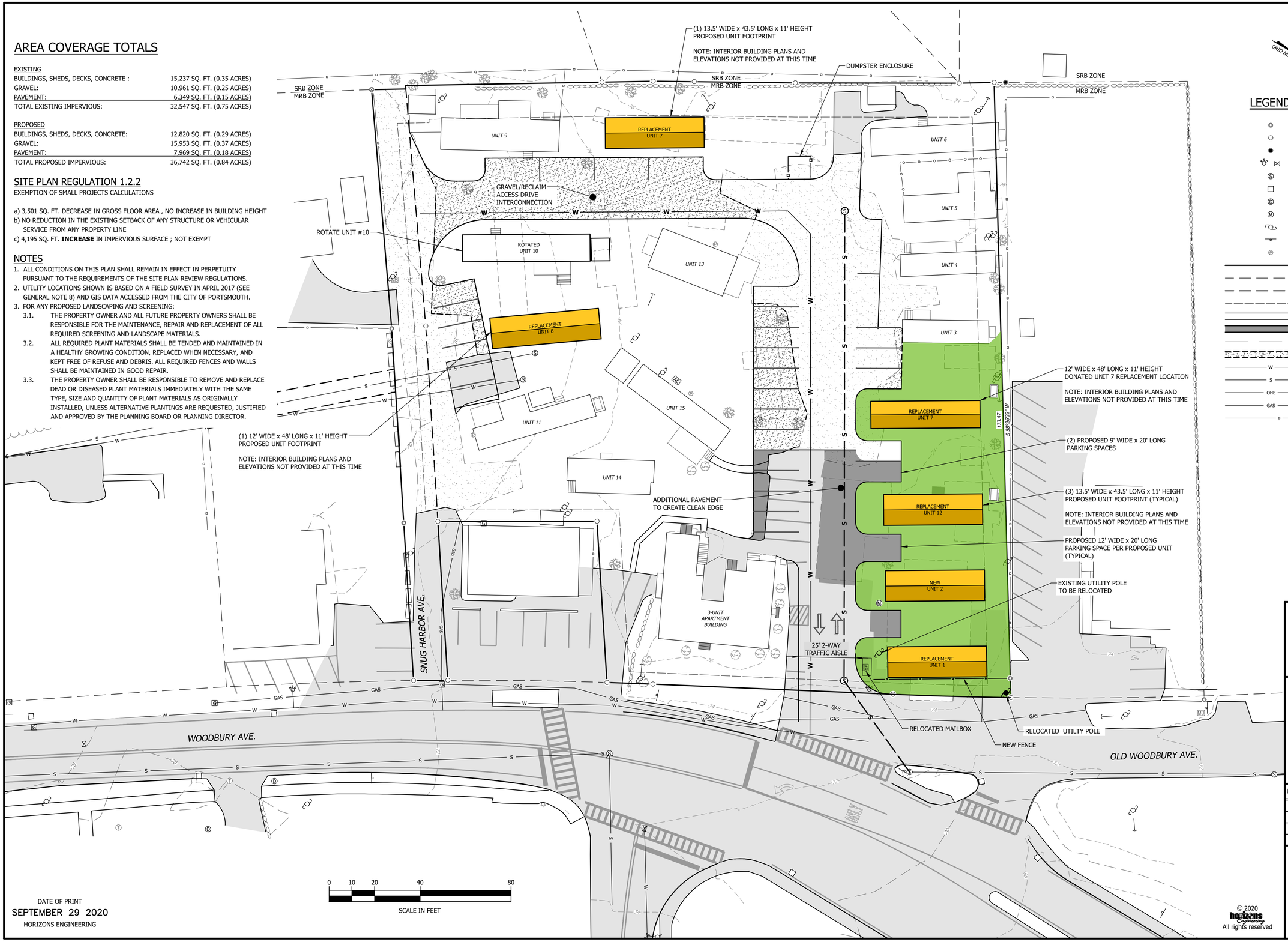
SITE PLAN REGULATION 1.2.2

EXEMPTION OF SMALL PROJECTS CALCULATIONS

a) 3,501 SQ. FT. DECREASE IN GROSS FLOOR AREA , NO INCREASE IN BUILDING HEIGHT
b) NO REDUCTION IN THE EXISTING SETBACK OF ANY STRUCTURE OR VEHICULAR SERVICE FROM ANY PROPERTY LINE
c) 4,195 SQ. FT. **INCREASE** IN IMPERVIOUS SURFACE ; NOT EXEMPT

NOTES

1. ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
2. UTILITY LOCATIONS SHOWN IS BASED ON A FIELD SURVEY IN APRIL 2017 (SEE GENERAL NOTE 8) AND GIS DATA ACCESSED FROM THE CITY OF PORTSMOUTH.
3. FOR ANY PROPOSED LANDSCAPING AND SCREENING:
   - 3.1. THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.
   - 3.2. ALL REQUIRED PLANT MATERIALS SHALL BE TENDED AND MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY, AND KEPT FREE OF REFUSE AND DEBRIS. ALL REQUIRED FENCES AND WALLS SHALL BE MAINTAINED IN GOOD REPAIR.
   - 3.3. THE PROPERTY OWNER SHALL BE RESPONSIBLE TO REMOVE AND REPLACE DEAD OR DISEASED PLANT MATERIALS IMMEDIATELY WITH THE SAME TYPE, SIZE AND QUANTITY OF PLANT MATERIALS AS ORIGINALLY INSTALLED, UNLESS ALTERNATIVE PLANTINGS ARE REQUESTED, JUSTIFIED AND APPROVED BY THE PLANNING BOARD OR PLANNING DIRECTOR.



GRID NORTH

LEGEND

- IRON PIPE OR ROD FOUND
- CALCULATED POINT
- 5/8" REBAR TO BE SET
- EXISTING WATER STRUCTURES
- EXISTING SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING DRAIN MANHOLE
- EXISTING METER PIT
- EXISTING UTILITY POLE
- EXISTING SIGN
- EXISTING PROPANE TANK
- EXISTING BOUNDARY LINE
- ABUTTERS LINE
- EXISTING EASEMENT
- SETBACK LINE
- EXISTING EDGE OF PAVEMENT
- PROPOSED EDGE OF PAVEMENT
- EXISTING EDGE OF GRAVEL
- PROPOSED EDGE OF GRAVEL
- EXISTING WATER SERVICE
- EXISTING SEWER SERVICE
- EXISTING OVERHEAD ELECTRIC LINES
- EXISTING UNDERGROUND GAS
- EXISTING FENCE

DATE OF PRINT
SEPTEMBER 29 2020
HORIZONS ENGINEERING

0 10 20 40 80
SCALE IN FEET

© 2020 horizons Engineering All rights reserved

horizons Engineering
NEWPORT VT • LITTLETON NH • NEW LONDON NH
POMFRET VT • KENNEBUNK ME • CONWAY NH

WOODBURY COOPERATIVE, INC

SITE IMPROVEMENTS

PORTSMOUTH, PROPOSED HAMPSHIRE

SITE PLAN

NO.	DATE	REVISION DESCRIPTION	ENG	DWG

DATE: SEPT. 2020	PROJECT #: 16074
ENGIN'D BY: CJH	DRAWN BY: SJB/CJH
CHECK'D BY: WTD	ARCHIVE #: H-5359

SHEET C 2.1

\\192.168.52.53\pmft\proj_2016\16074 Woodbury Coop Subdivision\DWGS\Final\16074_FINAL-02.dwg, CONCEPT-01, 9/29/2020 12:31:35 PM, SBoutin



Photo looking west at the side of the red former store building (to be demolished), the front of the white garage/apartment building (to be demolished) and the mailbox (to be relocated).

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 1

Woodbury Cooperative
Portsmouth, NH

Proj. # 16074



Photo looking south at the side of the 3 unit apartment building and park entrance.

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 2

Woodbury Cooperative
Portsmouth, NH

Proj. # 16074



Photo looking west at the existing park from the rear of the cottage (to be demolished) and the rear of garage/apt. (to be demolished) at the location of rearmost proposed unit.

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 3

Woodbury Cooperative
Portsmouth, NH
Proj. # 16074



Photo looking southwest out at the existing park and gravel parking area from the rear the of the cottage (to be demolished) and the rear of the garage/apt. (to be demolished).

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 4

Woodbury Cooperative
Portsmouth, NH

Proj. # 16074



Photo looking east at the rear of the cottage (to be demolished)
and the rear of the garage/apt. (to be demolished).

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 5

Woodbury Cooperative
Portsmouth, NH

Proj. # 16074



Photo looking southwest at the rear of the park and gravel parking area.

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 6

Woodbury Cooperative
Portsmouth, NH

Proj. # 16074



Photo looking southeast at the rear of the park between units.

Note: Reference Existing Condition Plan photo arrows for photo location and orientation.

horizons Engineering Inc.
34 School Street
Littleton, NH 03561
(603) 444-4111

Site Photos
Existing Conditions
Photo # 7

Woodbury Cooperative
Portsmouth, NH

Proj. # 16074

144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com

DURBIN LAW

Durbin Law Offices, P.L.L.C.

Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
*Also admitted in MA

VIA VIEWPOINT

September 30, 2020

City of Portsmouth
Zoning Board of Adjustment
Attn: David Rheaume, Chairman
1 Junkins Avenue
Portsmouth, NH 03801

RE: Variance Application of Bacman Enterprises, Inc.
140 Edmond Avenue

Dear Chairman Rheaume,

Our Office represents Bacman Enterprises, Inc., owner of property located at 140 Edmond Avenue, Portsmouth. Enclosed herewith, please find the following materials for submission to the Zoning Board of Adjustment for consideration at its next regularly scheduled meeting:

1) Landowner Letter of Authorization;
2) Narrative to Variance Application;
3) Site Plan Set (Existing Conditions and Proposed Conditions); and
4) Photographs of the Property.

Twelve (12) hard copies of the application materials are being delivered separately to the Planning Department. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,

Derek R. Durbin, Esq.

LETTER OF AUTHORIZATION

Bacman Enterprises Inc., the owner of real property located at 140 Edmond Avenue, Portsmouth, New Hampshire 03801, identified on Tax Map 220, as Lot 81 (the "Property"), hereby authorizes Durbin Law Offices PLLC to act as his agent and representative in connection with the filing of any building, zoning, planning or other municipal permit applications with the City of Portsmouth for the Property. Said Letter of Authorization shall be valid until expressly revoked in writing.

Bacman Enterprises Inc.

Paul R Bacon

Printed Name: Paul Bacon, President
Duly Authorized

6-25-2019

Date

CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
APPLICATION NARRATIVE

Bacman Enterprises Inc.
(Owner/Applicant)
Tax Map 220, Lot 81
140 Edmond Avenue
Portsmouth, NH 03801

INTRODUCTORY STATEMENT

Bacman Enterprises Inc. ("the "Applicant") is the owner of property located at 140 Edmond Avenue, Portsmouth, New Hampshire 03801, identified on Tax Map 220, as Lot 81 (the "Property"). The Property is in Portsmouth's Single Residence B ("SRB") Zoning District. It consists of approximately 0.53 acres of land with a ranch-style building that contains two (2) residential units on the ground floor and a chiropractic office on the lower level. The chiropractic business is owned by Paul Bacon, the principal and owner of Bacman Enterprises, Inc. The commercial space in the building is approximately 2,300 square feet. The two (2) residential units are each over 750 square feet.

ZBA Decision – July 23, 2019

On July 23, 2019, the Board approved the following variances for the Property:

a) from Section 10.333 to allow a nonconforming use to be extended into other parts of the building;

b) from Section 10.1113.20 to allow off-street parking spaces to be located in the required front yard or between a principal building or the street; and

c) from Section 10.1114.32 to allow vehicles to enter or leave a parking area by backing out, into or from a public street or way.

In the original Site Plan presented to the Board, which is attached hereto as Exhibit A, the Applicant showed nine (9) parking spaces for the building where twelve (12) are required pursuant to Section 10.1112.61. The Applicant and its engineer felt that nine (9) spaces were sufficient for the parking demand associated with the Property, which has been reduced rather significantly since the Applicant took ownership in 1978 and began operating his chiropractic business there. On an average day, there is an excess of available parking on the Property. The Applicant indicated to the Board in 2019 in its Narrative that it would apply for a conditional use permit from the Planning Board for the additional three (3) spaces required by Section 10.1112.61.

The Applicant has three (3) employees and limited days of operation. It is open on Monday, Tuesday, Wednesday and Fridays and closed on Thursday, Saturday and Sunday. The parking demand associated with the residential units is greatest during the hours when the

chiropractic business is closed, which mitigates most of the concern that might otherwise be associated with a mixed-use building of this nature. Moreover, because Mr. Bacon is the only chiropractor working at the business and is only able to accommodate a limited number of patients at one time, with patients coming and going throughout the day, there is an excess of available spaces in the parking lot when the business is open.

Since the approval was granted by the Board in 2019, the Applicant's engineer has met with representatives of the Department of Public Work ("DPW"), the City's traffic engineer, and undergone two (2) Technical Advisory Committee ("TAC") meetings relative to his application for Site Plan approval for the Property. As a result of these meetings with the City, the Site Plan has gone through several iterations since the Board's July 2019 approval. The most significant change to the plan pertains to the number and configuration of the parking spaces that the City desires for the Property. The City has expressed a strong desire to see the Applicant provide twelve (12) parking spaces for the Property, which is the number of spaces that are required by Section 10.1112.61 of the Ordinance. Based on the methodology set forth in Section 10.1112.61 (Column B), the Ordinance requires ten (10) parking spaces for the medical office use and two (2) spaces for the residential use. If the commercial space was fifty (50) square feet smaller, only eleven (11) spaces would be required. Notwithstanding, under either scenario, variance relief is required.

To meet the requirements of Section 10.1112.61 of the Ordinance, the Applicant has revised its plan to show three (3) spaces additional "stacked" parking spaces. This parking configuration was discussed with TAC at its last meeting in early September and appears to be the solution that the Applicant and City agree with. However, because Section 10.1114.32(b) of the Ordinance provides that vehicles must be able to "enter and leave each parking space without requiring the moving of any other vehicle", the Applicant is required to come back to the Board for additional variance relief. It is important to note that the Applicant intends to designate the three (3) new parking spaces shown on the revised plan, identified as #10-12, as employee parking. Because the employees rarely leave the building during the business's hours of operation, concerns over vehicles having to move or back into the street to allow another vehicle to exit are mitigated. The parking configuration proposed is not functionally different than what was previously approved by the Board, as any vehicles parking in spaces #1-6 are required to back into the street anyway to exit the Property, at least in theory. Those spaces have not changed between what was previously approved and what is now proposed.

It should also be noted that the variances being requested under Sections 10.1113.20 and 10.1114.30 as part of the foregoing application were approved by the Board in July 2019. Because the Applicant has modified its Site Plan since that time to accommodate the three (3) additional parking spaces, the Applicant has re-included those requests for relief out of an abundance of caution.

SUMMARY OF VARIANCE RELIEF

The Applicant seeks the following variances from the Zoning Ordinance:

a) Section 10.1113.20 to allow off-street parking spaces to be located in the required front yard or between a principal building or the street; and

b) Section 10.1114.32(a) to allow vehicles to enter or leave a parking area by backing out, into or from a public street or way.

c) Section 10.1114.32(b): To allow vehicles to enter and leave each parking space without requiring the moving of any other vehicle.

VARIANCE CRITERIA

Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

In the case of *Chester Rod & Gun Club, Inc. v. Town of Chester*, the Court observed that the requirements that a variance not be "contrary to the public interest" or "injure the public rights of others" are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. 152 N.H. 577 (2005). The Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives." "Id. "Mere conflict with the terms of the zoning ordinance is insufficient to constitute a violation of the ordinance's basic zoning objectives." *Harborside Assoc v. Parade Residence Hotel,* 162 N.H. 508, 514 (2011). "There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." Id.

The entire 2,300 sf. lower level of the building has been used as a chiropractic office for thirty-two (32) years. Upon inspection of the City records, undersigned counsel could find no evidence of any citizen complaints or incidents involving the use of the Property or problems with parking or vehicles exiting the driveway area(s). In the earlier years of the business, and when the Applicant received its approvals in 2005, the chiropractic office served a much higher volume of patients. By providing three (3) additional parking spaces on the Property that never previously existed, the Applicant will have an excess of available parking on the Property that would meet any future demand should the volume of business increase. The proposed parking allows for an adequate siteline and distance for vehicles driving down Edmond Avenue to see any vehicles that might be back into the street well in advance of approaching the Property.

The chiropractic office has not changed the character of the neighborhood nor has it been injurious to surrounding property owners or the general public. To the contrary, it has provided a public benefit by offering medical services to residents of the City. There is sufficient on-site parking on the Property to accommodate the residential units and medical office in its existing condition.

Substantial justice will be done by granting the variance relief.

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); *Malachy Glen Assocs., Inc. v. Town of Chichester,* 155 N.H. 102 (2007).

If the variance relief were denied relative to the proposed parking configuration shown on the Site Plan, it is likely that the Applicant would be unable to obtain a favorable recommendation from TAC for the use of the Property, which in turn would negatively affect his ability to obtain Site Plan approval from the Planning Board. This would impact his ability to continue to operate the chiropractic business on the Property. He would be either forced to close the business or reduce the square footage of the commercial space by at least 750 square feet (33%) to eliminate the need for the additional three (3) parking spaces being required by the City. There are no other acceptable areas on the Property that can accommodate three (3) parking spaces outside of what is proposed. An alternative plan had been proposed to TAC that did not involve stacked parking. This alternative proposal, which is shown in Exhibit B attached hereto, was rejected over concerns by the DPW that it would create a problem for the City plows during snowstorm events. Ironically, the same proposal was previously approved by the City in 2005. As explained to the Board in 2019, that approval lapsed in 2007 when the Applicant was unable to fulfill all of the conditions associated with it due to a financial hardship that the Applicant suffered during that period of time.

The chiropractic business provides a valuable medical service to the public that many surrounding residents take advantage of. There would be no gain to the benefit to the public in denying the variances. To the contrary, there would likely be a detriment to the public. The hardship to the Applicant in denying the variances outweighs any potential gain to the public.

The values of surrounding properties will not be diminished by granting the variance relief.

The values of surrounding properties have NOT diminished over the past thirty-two (32) years of the Applicant operating its chiropractic business on the Property. To the contrary, surrounding property values have increased significantly. The use and physical appearance of the Property would remain the same as it has been over the past three (3) plus decades. Therefore, it is fair to conclude that surrounding property values would not be diminished by the approval of the variances.

Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

The Property has special conditions that make it distinguishable from surrounding properties. Owing to these special conditions, there is no fair and substantial relationship between the general purposes of the Ordinance provision(s) and their application to the Property.

Speaking to the location and use of the Property more generally, it is uniquely situated in comparison with other properties in the surrounding area. There is only one (1) abutting property that is used for residential purposes, which is the property to the right (west). The Applicant has a great neighborly relationship with this landowner and shares a driveway with that property by agreement. The properties to the left (east) and front (north) are owned by the City and consist primarily of wetlands that cannot be developed. Therefore, the concerns that might otherwise be present with a medical office in a residential zone do not currently exist with the Applicant's Property.

With respect to parking, the Applicant's engineer, through his discussions with City staff and his meetings with TAC, has determined that there are no available areas to add three (3) additional parking spaces on the Property other than what is proposed. Alternative proposals for the Property have been rejected by TAC and/or the City staff. Throughout the Applicant's ownership of the Property, the existing parking configuration, which can accommodate up to nine (9) vehicles, has functioned without a problem. There has never been a shortage of available parking on the Property. With three (3) additional spaces, there will be an abundance of available parking. Moreover, the proposed parking configuration will not result in vehicles having to exit the Property any differently than they do now.

Given the special conditions of the Property, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their strict application to this Property.

The proposed use is reasonable.

The use of the Property has already been deemed reasonable by the Board, as evidenced by its approval in July 2019. The Applicant has not received any complaints about the use of the Property or vehicles exiting the driveway areas from residents of the City. It does not appear that the City has any record of any complaints either. This is evidence that the use of the Property is reasonable and does not interfere with the quiet enjoyment of surrounding properties.

CONCLUSION

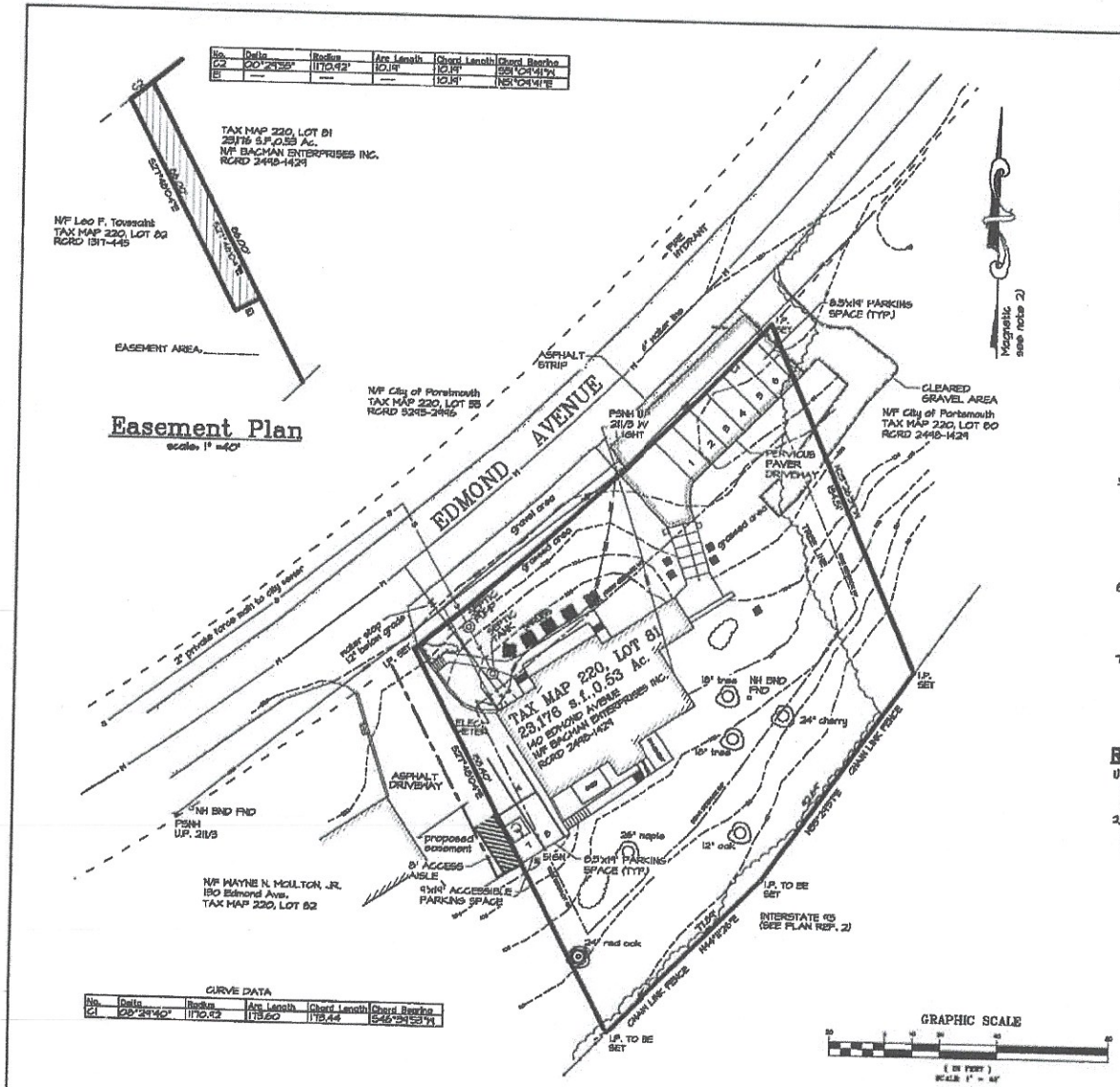
In conclusion, the Applicant has demonstrated that its meets the five (5) criteria for granting each of the variances requested. Accordingly, the Applicant respectfully requests that the Board approve the Variance Application as presented.

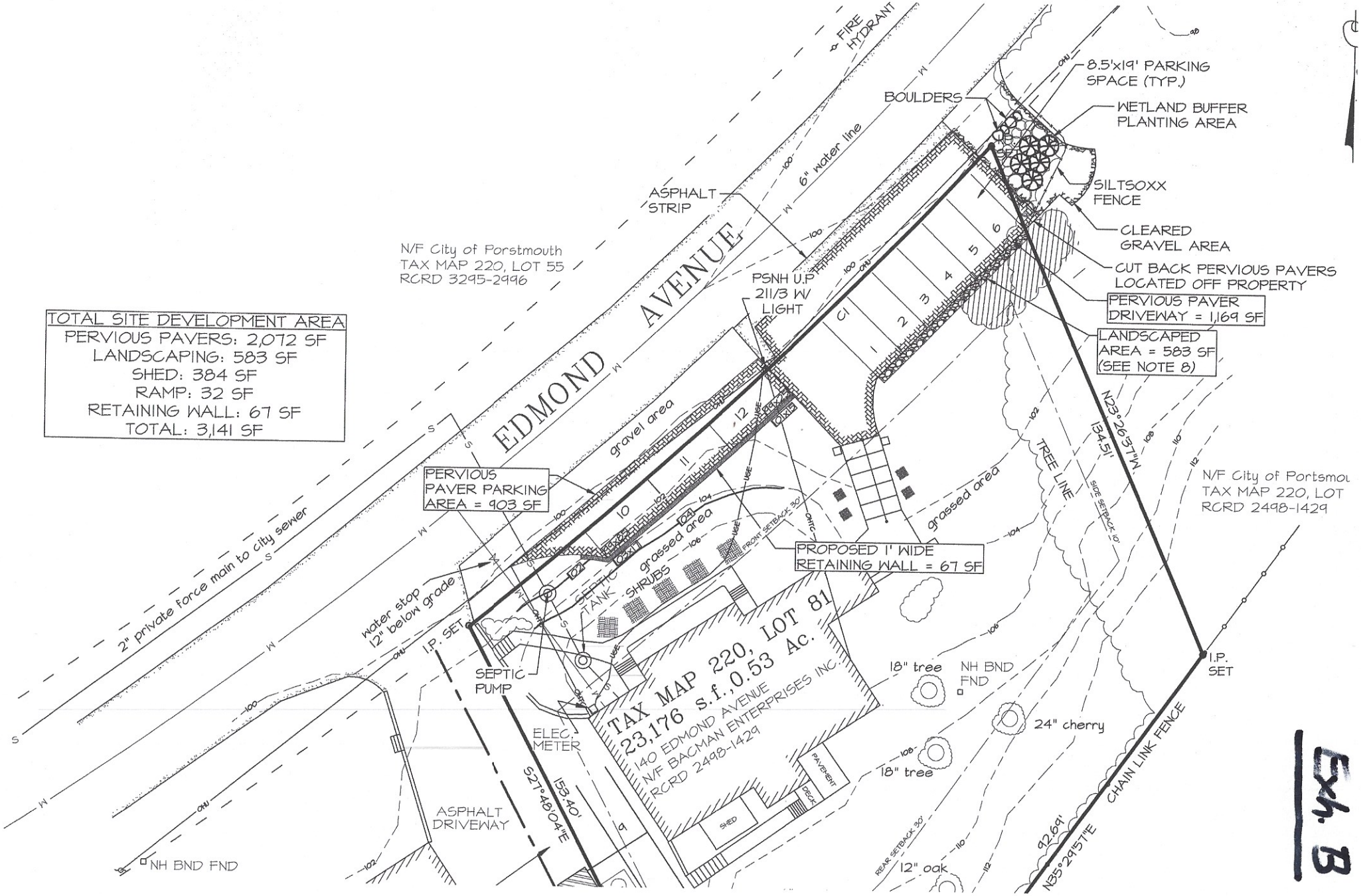
Respectfully Submitted,

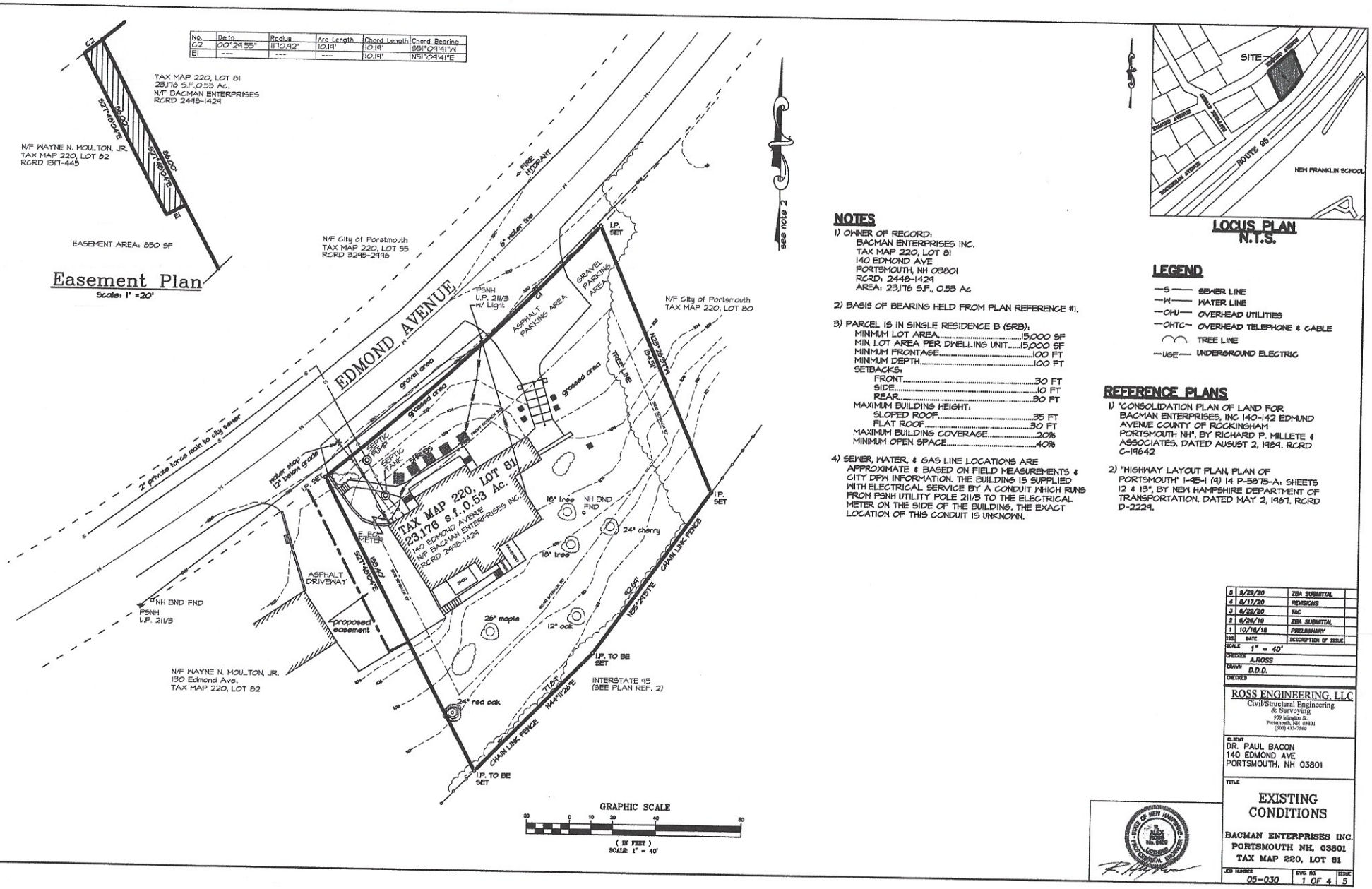
Dated: September 30, 2020

Bacman Enterprises Inc.
Paul Bacon, President

By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com


TAX MAP 220, LOT 81
23116 S.F.,0.53 Ac.
N/F BACMAN ENTERPRISES INC.
RCRD 2448-1429
N/F Leo F. Tousaint
TAX MAP 220, LOT 82
RCRD 1317-445
EASEMENT AREA
Easement Plan
scale: 1" =40'
EDMOND AVENUE
N/F City of Portsmouth
TAX MAP 220, LOT 55
RCRD 3245-2446
ASPHALT STRIP
PSNH U/P 211/3 W LIGHT
FIRE HYDRANT
8.5'x18' PARKING SPACE (TYP.)
CLEARED GRAVEL AREA
N/F City of Portsmouth
TAX MAP 220, LOT 80
RCRD 2448-1429
PERVIOUS PAVER DRIVEWAY
Magnetic (see note 2)
TAX MAP 220, LOT 81
23116 s.f.±0.53 Ac.
140 EDMOND AVENUE
N/F BACMAN ENTERPRISES INC.
RCRD 2448-1429
ELEC. METER
ASPHALT DRIVEWAY
NH BND FND
PSNH U/P. 211/3
proposed easement
8' ACCESS AISLE
9'x18' ACCESSIBLE PARKING SPACE
8.5'x18' PARKING SPACE (TYP.)
N/F WAYNE N. MOULTON, JR.
180 Edmond Ave.
TAX MAP 220, LOT 82
I.P. SET
I.P. TO BE SET
GRANITE STATE GAS TRANSMISSION
GRANITE STATE GAS TRANSMISSION
GRANITE STATE GAS TRANSMISSION


TOTAL SITE DEVELOPMENT AREA
PERVIOUS PAVERS: 2,072 SF
LANDSCAPING: 583 SF
SHED: 384 SF
RAMP: 32 SF
RETAINING WALL: 67 SF
TOTAL: 3,141 SF
EDMOND AVENUE
FIRE HYDRANT
ASPHALT STRIP
6" water line
N/F City of Porstmouth
TAX MAP 220, LOT 55
RCRD 3295-2996
PSNH U.P
211/3 W/
LIGHT
BOULDERS
8.5'x19' PARKING SPACE (TYP.)
WETLAND BUFFER PLANTING AREA
SILTSOXX FENCE
CLEARED GRAVEL AREA
CUT BACK PERVIOUS PAVERS LOCATED OFF PROPERTY
PERVIOUS PAVER DRIVEWAY = 1,169 SF
LANDSCAPED AREA = 583 SF (SEE NOTE 8)
PERVIOUS PAVER PARKING AREA = 903 SF
gravel area
grassed area
PROPOSED 1' WIDE RETAINING WALL = 67 SF
TREE LINE
N23°26'57"W
134.51'
N/F City of Portsmou
TAX MAP 220, LOT
RCRD 2498-1429
2" private force main to city sewer
water stop 12" below grade
I.P. SET
SEPTIC PUMP
SEPTIC TANK
SHRUBS
TAX MAP 220, LOT 81
23,176 s.f.,0.53 Ac.
140 EDMOND AVENUE
N/F BACMAN ENTERPRISES INC.
RCRD 2498-1429
ELEC. METER
S27°48'04"E
153.40'
ASPHALT DRIVEWAY
NH BND FND
18" tree
NH BND FND
24" cherry
18" tree
I.P. SET
CHAIN LINK FENCE
92.69'
N35°29'51"E
12" oak
SHED
PAVEMENT
DECK
FRONT SETBACK 30'
SIDE SETBACK 10'
REAR SETBACK 30'
Exh. B



LOCUS PLAN
N.T.S.

NOTES

1) OWNER OF RECORD:
BACMAN ENTERPRISES INC.
TAX MAP 220, LOT 81
140 EDMOND AVE
PORTSMOUTH, NH 03801
RCRD: 2448-1429
AREA: 23,176 S.F., 0.53 Ac

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) PARCEL IS IN SINGLE RESIDENCE B (SRB):

MINIMUM LOT AREA	15,000 SF
MIN. LOT AREA PER DWELLING UNIT	15,000 SF
MINIMUM FRONTAGE	100 FT
MINIMUM DEPTH	100 FT
SETBACKS:	
FRONT	30 FT
SIDE	10 FT
REAR	30 FT
MAXIMUM BUILDING HEIGHT:	
SLOPED ROOF	35 FT
FLAT ROOF	30 FT
MAXIMUM BUILDING COVERAGE	20%
MINIMUM OPEN SPACE	40%

4) SEWER, WATER, & GAS LINE LOCATIONS ARE APPROXIMATE & BASED ON FIELD MEASUREMENTS & CITY DPW INFORMATION. THE BUILDING IS SUPPLIED WITH ELECTRICAL SERVICE BY A CONDUIT WHICH RUNS FROM PSNH UTILITY POLE 211/3 TO THE ELECTRICAL METER ON THE SIDE OF THE BUILDING. THE EXACT LOCATION OF THIS CONDUIT IS UNKNOWN.

LEGEND

—S— SEWER LINE
—W— WATER LINE
—OHU— OVERHEAD UTILITIES
—OHTC— OVERHEAD TELEPHONE & CABLE
TREE LINE
—UGE— UNDERGROUND ELECTRIC

REFERENCE PLANS

1) "CONSOLIDATION PLAN OF LAND FOR BACMAN ENTERPRISES, INC 140-142 EDMUND AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH NH", BY RICHARD P. MILLETE & ASSOCIATES, DATED AUGUST 2, 1989. RCRD C-19642

2) "HIGHWAY LAYOUT PLAN, PLAN OF PORTSMOUTH" I-95-1 (9) 14 P-5875-A: SHEETS 12 & 13", BY NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION. DATED MAY 2, 1967. RCRD D-2229.

ISS.	DATE	DESCRIPTION OF ISSUE
5	8/28/20	ZBA SUBMITTAL
4	8/17/20	REVISIONS
3	6/22/20	TAC
2	6/26/19	ZBA SUBMITTAL
1	10/16/18	PRELIMINARY

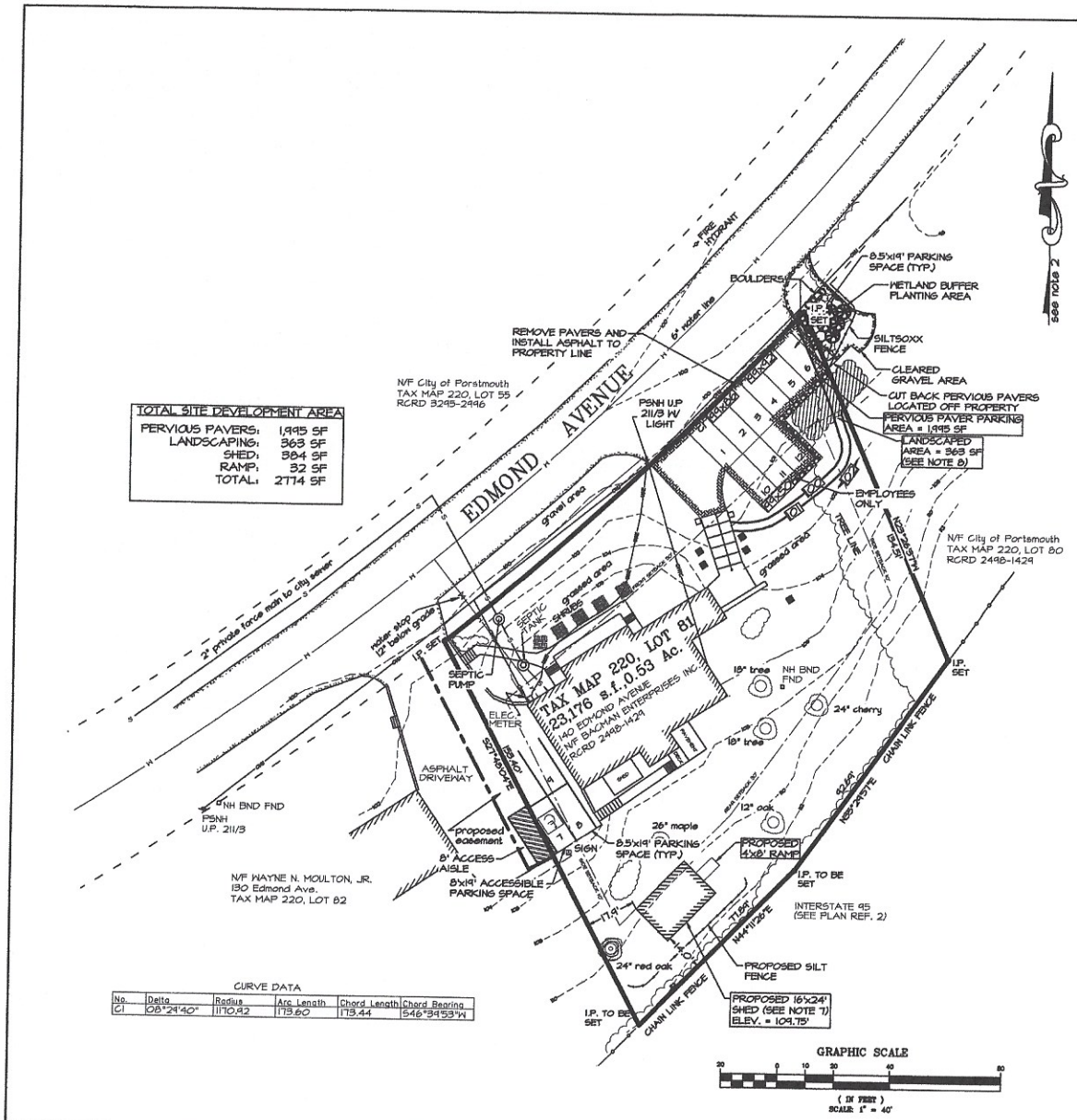
SCALE 1" = 40'
CHECKED A.ROSS
DRAWN D.D.D.
CHECKED

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

CLIENT
DR. PAUL BACON
140 EDMOND AVE
PORTSMOUTH, NH 03801

TITLE
EXISTING CONDITIONS
BACMAN ENTERPRISES INC.
PORTSMOUTH NH, 03801
TAX MAP 220, LOT 81

JOB NUMBER 05-030 | DWG. NO. 1 OF 4 | ISSUE 5



TOTAL SITE DEVELOPMENT AREA	
PERVIOUS PAVERS:	1,995 SF
LANDSCAPING:	363 SF
SHED:	384 SF
RAMP:	32 SF
TOTAL:	2774 SF

CURVE DATA

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	08°24'40"	1170.42	173.60	173.44	S46°39'53"W

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
SCALE: 1" = 40'

NOTES

1) OWNER OF RECORD:
BACMAN ENTERPRISES INC.
TAX MAP 220, LOT 81
140 EDMOND AVE
PORTSMOUTH, NH 03801
RCRD: 2448-1424
AREA: 23,176 S.F., 0.53 Ac

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) PARCEL IS IN SINGLE RESIDENCE B (SRB).

MINIMUM LOT AREA	15,000 SF
MIN. LOT AREA PER DWELLING UNIT	15,000 SF
MINIMUM FRONTAGE	100 FT
MINIMUM DEPTH	100 FT
SETBACKS:	
FRONT	30 FT
SIDE	10 FT
REAR	30 FT
MAXIMUM BUILDING HEIGHT:	
SLOPED ROOF	35 FT
FLAT ROOF	30 FT
MAXIMUM BUILDING COVERAGE	20%
MINIMUM OPEN SPACE	40%

4) SEWER, WATER, & GAS LINE LOCATIONS ARE APPROXIMATE & BASED ON FIELD MEASUREMENTS & CITY DPW INFORMATION. THE BUILDING IS SUPPLIED WITH ELECTRICAL SERVICE BY A CONDUIT WHICH RUNS FROM PSNH UTILITY POLE 211/3 TO THE ELECTRICAL METER ON THE SIDE OF THE BUILDING. THE EXACT LOCATION OF THIS CONDUIT IS UNKNOWN.

5) COVERAGES

BUILDING COVERAGE

EXISTING BUILDING COVERAGE

HOUSE	2628 SF
SHED	95 SF
EXISTING STRUCTURE	2723 SF
BUILDING COVERAGE 2723 /23176 =	11.81%

PROPOSED BUILDING COVERAGE

HOUSE	2628 SF
SHED	479 SF
EXISTING STRUCTURE	3107 SF
BUILDING COVERAGE 3107 /23176 =	13.4%

OPEN SPACE

EXISTING OPEN SPACE

BUILDING COVERAGE	2723 SF
CONCRETE WALKWAYS	506 SF
CONCRETE STAIRWAYS	344 SF
ASPHALT	2852 SF
GRAVEL PARKING	514 SF
TOTAL LOT COVERAGE	6489 SF
OPEN SPACE 23176 - 6489 =	16687 SF
OPEN SPACE 16687 / 23176 =	72.0%

PROPOSED OPEN SPACE

BUILDING COVERAGE	3107 SF
CONCRETE WALKWAYS	506 SF
CONCRETE STAIRWAYS	344 SF
RETAINING WALL	135 SF
ASPHALT PARKING AREA	1092 SF
PERVIOUS PAVER PARKING	1995 SF
RAMP	32 SF
TOTAL LOT COVERAGE	7261 SF
OPEN SPACE 23176 - 7261 =	15915 SF
OPEN SPACE 15915 / 23176 =	68.7%

6) PARKING SPACES:
2,300+/- S.F. MEDICAL SPACE - 1/250 S.F...10 SPACES
2 APARTMENTS (OVER 750 SF) - 1.3 X 2 .....2 SPACES*
TOTAL REQUIRED SPACES.....12 SPACES
PROVIDED SPACES.....12 SPACES

HANDICAP SPACE REQUIREMENT: 1 PER 25...1 SPACE

* - AS PER PORTSMOUTH ZONING ORDINANCE SECTION 10.1112.60 FOR MIXED USE PARKING, RESIDENTIAL PARKING SHALL BE 60% OF THE REQUIREMENT FROM 8 AM TO 5 PM. 1.3 x 2 x .6 = 1.6 SPACES.

7) PROPOSED SHED MUST MEET ACCESSORY BUILDING SETBACKS SPECIFIED IN SECTION 10.510 IN THE PORTSMOUTH ZONING ORDINANCE. ONE POSSIBLE CONFIGURATION HAS BEEN SHOWN. THE GRADE PLANE SHOWN IS 110.25'. BUILDING HEIGHT CALCULATED FROM THIS GRADE PLANE IS 11.96'.

8) LANDSCAPING WORK TO BE DONE UNDER DIRECT SUPERVISION OF SOIL SCIENTIST TO ESTABLISH PLANTINGS AND EROSION CONTROL USING APPROPRIATE METHODS.

9) ON JULY 23, 2019 THE CITY OF PORTSMOUTH BOARD OF ADJUSTMENT APPROVED THE FOLLOWING:

A) FROM SECTION 10.333 TO ALLOW A NONCONFORMING USE TO BE EXTENDED INTO OTHER PARTS OF THE BUILDING.

B) FROM SECTION 10.1113.20 TO ALLOW OFF-STREET PARKING SPACES TO BE LOCATED IN THE REQUIRED FRONT YARD OR BETWEEN A PRINCIPAL BUILDING OR THE STREET; AND

C) FROM SECTION 10.1114.32 TO ALLOW VEHICLES TO ENTER OR LEAVE A PARKING AREA BY BACKING OUT, INTO OR FROM PUBLIC STREET OR WAY.

10) ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.

11) THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

12) ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

LEGEND

—S— SEWER LINE
—W— WATER LINE
—OHU— OVERHEAD UTILITIES
—OHTC— OVERHEAD TELEPHONE & CABLE
TREE LINE
—UGE— UNDERGROUND ELECTRIC

NO.	DATE	DESCRIPTION OF ISSUE
8	8/29/20	ZBA SUBMITTAL
4	8/17/20	REVISIONS
3	8/22/20	TAC
2	8/26/19	ZBA SUBMITTAL
1	10/18/18	PRELIMINARY

SCALE 1" = 40'
CHECKED A.ROSS
DRAWN D.D.D.
CHECKED

ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
909 Islington St.
Portsmouth, NH 03801
(603) 433-7560

CLIENT
DR. PAUL BACON
140 EDMOND AVE
PORTSMOUTH, NH 03801

TITLE
SITE PLAN
BACMAN ENTERPRISES INC.
PORTSMOUTH NH, 03801
TAX MAP 220, LOT 81

JOB NUMBER 05-030 | DWG. NO. 2 OF 4 | ISSUE 5

Armored Door
Walls

Ross Engineering, LLC
Civil / Structural Engineering

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net



Aerial view. Site is located on Edmond Avenue, adjacent to Route 95.



Birdseye view

Ross Engineering, LLC
Civil / Structural Engineering

909 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net



Photo 3: On Edmond Ave looking South towards Pervious Paver parking area and structure.



Photo 4: Business Entrance

Written statement showing how this request complies with the requirements of the zoning ordinance:

1. Granting this variance will not be contrary to public interest. The proposed addition will be a welcome facelift to the existing home and will increase the property's value as well as surrounding properties.

2. The spirit of the ordinance will be observed as this is an addition of an existing residential house in a residential neighborhood.

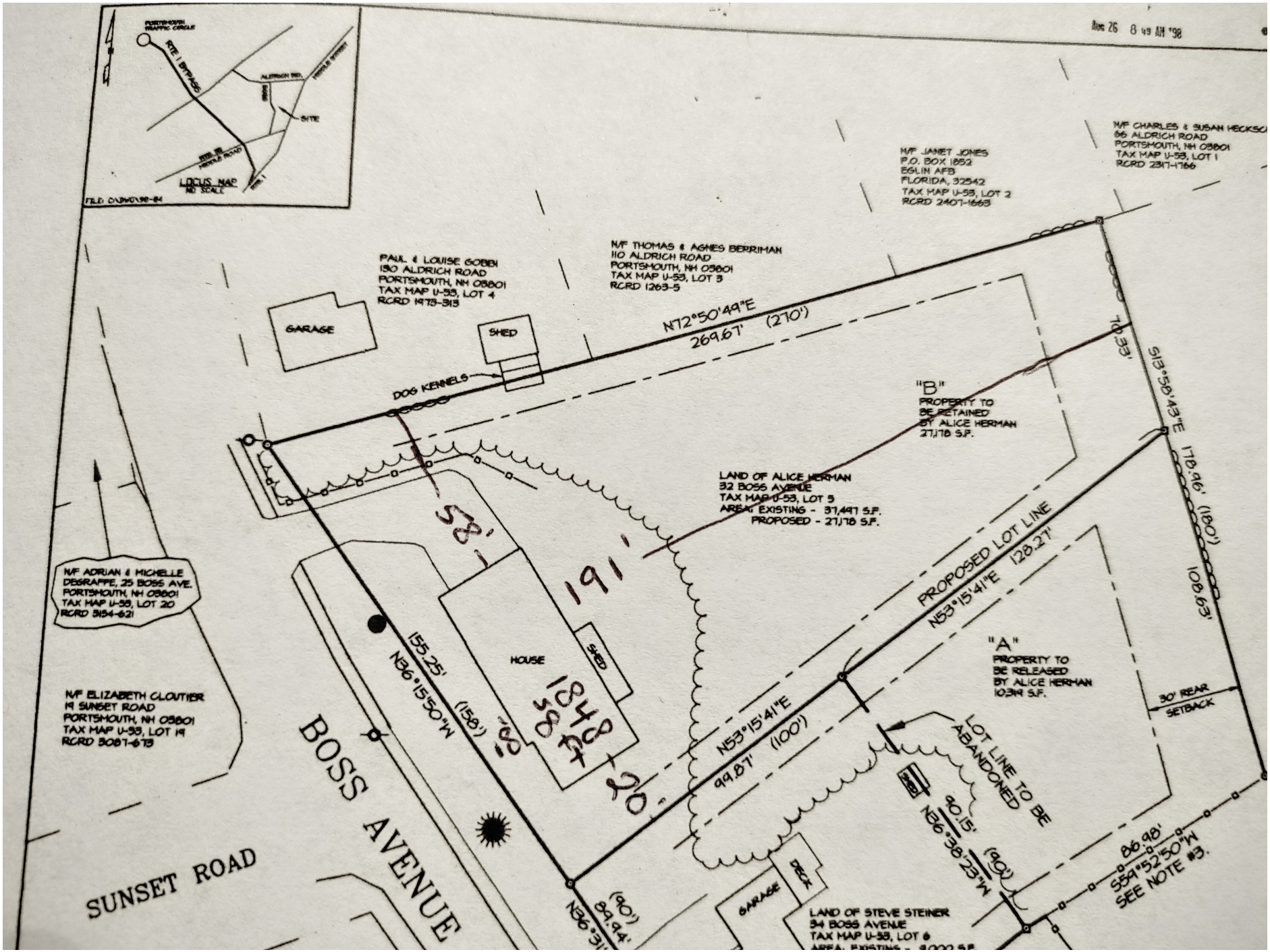
3. Substantial justice will be done by granting this variance to the homeowner as there will be no harm to the public and no gain to the public by denying it. There would be harm to the applicant by denying it as they would not be able to use this property as hoped.

4.The proposed addition to the existing home will add substantial square footage to the living space. The overall appearance of the house will be changed in a positive way making it more desirable and thus bringing up the value of the home.

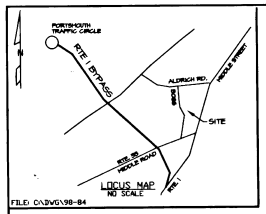
5. Not granting this variance would result in a hardship to the applicant as they will not be able to add any living space to the existing house. This situation is unique as there is wetlands on this property. The house was built back in 1960 and was placed where it wouldn't encroach on the existing wetlands. Due to the wetlands is why the existing house doesn't meet current setbacks. The proposed addition doesn't expand past the current footprint as the addition goes up, not out.




32


LOCUS MAP
NO SCALE
N/F JANET JONES
P.O. BOX 1852
EGLIN AFB
FLORIDA, 32542
TAX MAP U-53, LOT 2
RCRD 2407-1663
N/F CHARLES & SUSAN HECKSC
66 ALDRICH ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 1
RCRD 2317-1766
PAUL & LOUISE GOBBI
130 ALDRICH ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 4
RCRD 1973-315
N/F THOMAS & AGNES BERRIMAN
110 ALDRICH ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 3
RCRD 1263-5
GARAGE
SHED
DOG KENNELS
N72°50'49"E
269.67' (270')
S13°58'43"E 178.96' (180')
"B"
PROPERTY TO
BE RETAINED
BY ALICE HERMAN
27,178 S.F.
LAND OF ALICE HERMAN
32 BOSS AVENUE
TAX MAP U-53, LOT 5
AREA: EXISTING - 37,497 S.F.
PROPOSED - 27,178 S.F.
PROPOSED LOT LINE
N53°15'41"E 128.27'
108.63'
"A"
PROPERTY TO
BE RELEASED
BY ALICE HERMAN
10,319 S.F.
30' REAR
SETBACK
N/F ADRIAN & MICHELLE
DESGRAPPE, 25 BOSS AVE.
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 20
RCRD 3154-621
HOUSE
SHED
155.25'
N36°15'50"W
(158')
N53°15'41"E
99.87' (100')
LOT LINE TO BE
ABANDONED
SHED
90.15'
N36°38'23"W
(90')
86.98'
S59°52'50"W
SEE NOTE #3.
N/F ELIZABETH CLOUTIER
19 SUNSET ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 19
RCRD 3087-673
BOSS AVENUE
SUNSET ROAD
GARAGE
DECK
LAND OF STEVE STEINER
34 BOSS AVENUE
TAX MAP U-53, LOT 6

Aug 26 8 49 AM '98 00057270 AUG26 8:49 Am'98



FILE: DA3VG\98-84

N/F CHARLES & SUSAN HECKSCHER
66 ALDRICH ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 1
RCRD 2317-1766

N/F JANET JONES
P.O. BOX 1852
EGLIN AFB
FLORIDA, 32542
TAX MAP U-53, LOT 2
RCRD 2407-1663

N/F THOMAS & AGNES BERRIMAN
110 ALDRICH ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 3
RCRD 1263-5

PAUL & LOUISE GOBBI
130 ALDRICH ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 4
RCRD 1973-313

GARAGE
SHED
DOG KENNELS
N72°50'49"E (270') 269.67'
S13°59'43"E 10.33'
S13°59'43"E 178.96' (180')
108.63'

"B"
PROPERTY TO BE RETAINED BY ALICE HERMAN
27,178 S.F.

LAND OF ALICE HERMAN
32 BOSS AVENUE
TAX MAP U-53, LOT 5
AREA: EXISTING - 37,497 S.F.
PROPOSED - 27,178 S.F.

PROPOSED LOT LINE
N53°15'41"E 128.27'

"A"
PROPERTY TO BE RELEASED BY ALICE HERMAN
10,319 S.F.

30' REAR SETBACK

TAX MAP U-53, LOT 9
N/F: 1) RAYMOND F. HAYES
714-1 MIDDLE STEET
PORTSMOUTH, NH 03801
RCRD 3130-604

2) JOHN & CAROL BURNS
714-2 MIDDLE STEET
PORTSMOUTH, NH 03801
RCRD 3224-980

3) MARK F. THOMAS
714-3 MIDDLE STEET
PORTSMOUTH, NH 03801
RCRD 3224-2015

4) JOHN HUTCHINSON
714-4 MIDDLE STEET
PORTSMOUTH, NH 03801
RCRD 2766-339

SEE PLAN REF. #1.

MIDDLE STREET

GARAGE
REBAR FND
132.52'

N/F ADRIAN & MICHELLE DEGRAFFE, 25 BOSS AVE.
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 20
RCRD 3154-621

N/F ELIZABETH CLOUTIER
19 SUNSET ROAD
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 19
RCRD 3087-673

155.25' N36°15'50"W (158')

HOUSE
SHED

LOT LINE TO BE ABANDONED
N53°15'41"E (100') 99.87'
S36°38'23"W (90') 40.15'

1/2" DIA. IRON PIPE FND LAYING LOOSE
1" IRON PIPE W/CAP TO BE SET

S54°52'50"W 86.98'
SEE NOTE #3.

SUNSET ROAD

BOSS AVENUE

N36°31'41"W (90') 89.94'

DECK
GARAGE
HOUSE

LAND OF STEVE STEINER
34 BOSS AVENUE
TAX MAP U-53, LOT 6
AREA: EXISTING - 9,000 S.F.
PROPOSED - 19,319 S.F.

10' SIDELINE SETBACK

S53°22'49"W (100') 100.05'

N/F DONOVAN & JUDY ALBERTSON
746 MIDDLE STREET
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 8
RCRD 2401-1923
SEE PLAN REFERENCE #2.

N/F B&A IVERSON, & E&M STEIN
31 BOSS AVENUE
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 10
RCRD 3082-2291

N/F GERALD & MAUREEN SHER
36 BOSS AVENUE
PORTSMOUTH, NH 03801
TAX MAP U-53, LOT 7
RCRD 3134-2141

N/F PETER COUSSOULE
35 BOSS AVENUE
PORTSMOUTH, NH 03801
TAX MAP U-52, LOT 42
RCRD 2284-206

SEE NOTE 3

N

0 20 40 60 80
SCALE: 1"=20'

D-26532

CITY OF PORTSMOUTH PLANNING BOARD
Vice CHAIRMAN
7/14/98 DATE

I CERTIFY THAT THIS SURVEY PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

THIS PLAN IS A RESULT OF FIELD SURVEY PERFORMED BY AR, & DE DURING JUNE OF 1998. THE ERROR OF CLOSURE IS BETTER THAN 1/10,000.
SURVEY PER NHLSA STANDARDS; CATEGORY 1, CONDITION 1.
AREA CALCULATIONS ARE PER BENCHMARK SOFTWARE.

LEGEND
- IRON PIPE FOUND
- GRANITE BOUND TO BE SET
- STONE WALL
- TREE LINE
- UTILITY POLE
- FENCE
- (270') DEED DISTANCE

NOTES
1) OWNER OF RECORD OF LOT 6 STEVEN F. STEINER, 34 BOSS AVENUE PORTSMOUTH, NH 03801, BK 3200 PG 400. AREA: EXISTING - 9,000 S.F. PROPOSED - 19,319 S.F.
2) OWNER OF RECORD OF LOT 5 ALICE HERMAN, 32 BOSS AVENUE PORTSMOUTH, NH 03801, BK 2545 PG 2093. AREA: EXISTING - 37,497 S.F. PROPOSED - 27,178 S.F.
3) BASIS OF BEARING SEE PLAN REF. #2.
4) LAND IS ZONED SINGLE RESIDENCE B, "SRB". DIMENSIONAL REQUIREMENTS: MINIMUM LOT SIZE:15,000 S.F. PROPERTY LINE SETBACKS: FRONT- 30' SIDE- 10' REAR- 30' EXISTING HOUSES ON LOT 5 & 6 DO NO MEET CURRENT FRONT SETBACKS.
5) RECORDS FOUND INDICATE R.O.W. WIDTH FOR BOSS AVENUE TO BE 40'. NO WIDENING EASEMENT (TO 50') COULD BE LOCATED. PHYSICAL MONUMENTATION FOUND AS WELL CURRENT TAX MAP U-53 INDICATES A R.O.W. WIDTH OF APPROXIMATELY 50' AT THIS LOCATION.
6) ENCROACHMENT: THE DOG KENNELS FROM LOT 4 ENCROACH ONTO LOT 5. THE SHED FROM LOT 6 ENCROACHES ONTO LOT 5.

REFERENCE PLANS
1) "SITE PLAN OF MIDDLE STREET TOWNHOUSE CONDOMINIUMS in PORTSMOUTH, NH". SEACOAST ENGINEERING ASSOCIATES, INC. APRIL 21, 1985. RCRD D-13140.
2) "PLAN OF LOT No. 746 MIDDLE STREET PORTSMOUTH, NH FOR THE ESTATE OF DELIA M. BOSS." JOHN M. DURGIN ASSOCIATES, INC. NOVEMVER 11, 1981. RCRD C-10552.
3) "PLAN OF LOT No. 816 MIDDLE ST. PORTSMOUTH, NH". JOHN M. DURGIN, CIVIL ENG. OCTOBER 1938. RCRD 0194.
4) "PLAN OF LOTS OWNED BY GEORGE BOSS PORTSMOUTH, NH". JOHN M. DURGIN, CIVIL ENG. OCTOBER 1921. RCRD 0941.
5) "PLAN OF WESTFIELD PARK, PORTSMOUTH NH." JOHN M. DURGIN, C.E. JULY 1929. RCRD 0648.
6) "PLAN OF WESTFIELD PARK, PORTSMOUTH, NH." JOHN M. DURGIN, C.E. RECORDED AUGUST 2, 1917. RCRD 0233.
7) "PLAN OF ABERDEEN TERRACE, PORTSMOUTH, NH." A.G. HOYT SURVEYOR. AUGUST 25, 1906. RCRD 00314.
8) "SKETCH OF LAND BELONGING TO F. JONES & MENDUM IN PORTSMOUTH, NH." SURVEYED APRIL 1874. RCRD 0012.

ISS.	DATE	DESCRIPTION OF ISSUE	CHK.
2	JULY 8, 1998	FOR APPROVAL	
1	JUNE 26, 1998	FOR APPROVAL	

SCALE	1"=20'	CERTIFIED FOR FABRICATION BY:	
DESIGN	A.ROSS	DATE	
CHECKED	RGM	CERTIFIED FOR CONSTRUCTION BY:	
DRAWN	A.ROSS	DATE	
CHECKED	RGM		

EMANUEL ENGINEERING, INC.
ENGINEERS - CIVIL/STRUCTURAL
43 PORTSMOUTH AVE.
STRATHAM, NH 03885
603-772-4400

R.G. Moynihan
CIVIL ENGINEER AND SURVEYOR
75 Mast Road
Lee, N.H. 03824

SEAL

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 309 ROBERT G. MOYNIHAN

THE STATE OF NEW HAMPSHIRE R. ALEX ROSS NO. 9409 LICENSED PROFESSIONAL ENGINEER

7/8/98 DATE

CLIENT
STEVE STEINER
34 BOSS AVENUE
PORTSMOUTH, NH 03801
603-433-0357

TITLE
LOT LINE ADJUSTMENT
FOR
STEVE STEINER
34 BOSS AVENUE
PORTSMOUTH, NH 03801

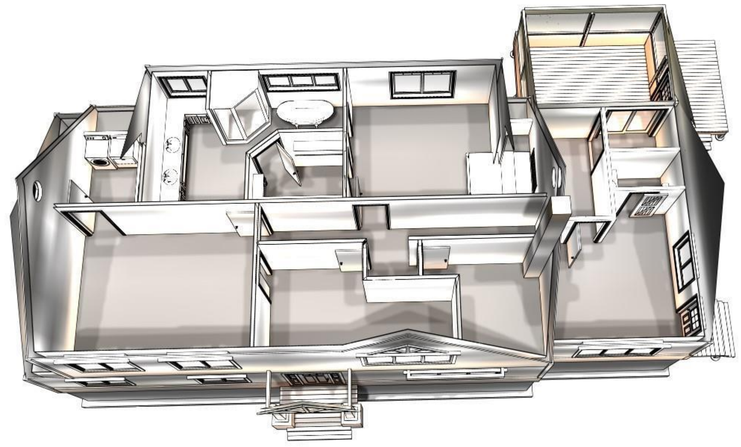
J.O. NUMBER	DWG. NO.	ISSUE
98-84	1	2

Printed from Internet for on 11/1/2013

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

THE STRUCTURAL REQUIREMENTS OF THIS PROJECT GO BEYOND THE SCOPE OF INFORMATION THAT HLC CAN PROVIDE
-REVIEW BY A LICENSED STRUCTURAL ENGINEER IS RECOMMENDED







DRAWING SCHEDULE

TITLE PAGE	1
FRONT & RIGHT ELEVATIONS	2
REAR & LEFT ELEVATIONS	3
FIRST & SECOND FLOOR PLAN	4
ROOF & FOUNDATION	5

AREA SCHEDULE

NAME	AREA
PERIMETER (USED FOR ESTIMATING)	1307 sq ft.
SECOND FLOOR FINISHED AREA	1307 sq ft.





HLC WEBTRACK
» View and download Invoices, Credits and Statements
» Download transactions to Quickbooks™
» Make account payments
» View job addresses and business contacts
my.hammondlumber.com

Full Window & Door Showroom
For beauty, function, efficiency and security, Hammond Lumber Company has a wide selection of top-quality doors and windows to fit your need. From custom designs to the most standard sizes, our experienced team will help you find the perfect door and window for your need, inside and out.
We carry several lines of doors and windows that carry the Energy Star rating, including Andersen, Pella, Marvin, Thermatru, and Masonite.
ENERGY STAR is the trusted, government-backed symbol for energy efficiency, helping us all save money and protect the environment through superior energy efficient products and practices.

Kitchen Bath & Flooring Center
Stop by one of our 21 showrooms today and let us put over 65 years of service and commitment to work for you!
NKBA
Not ready to build new, or take on a major renovation? Our Kitchen Design Specialists are ready to transform your kitchen with high quality, feature packed cabinetry sure to complement your personality and budget. Our Kitchen, Bath & Flooring Centers feature 17 of the finest nationally known brands of cabinetry available. We also supply countertops made of granite, Corian®, Meganite™, Formica®, Wilsonart®, and more! Visit us today.
FREE Design Services with Purchase
Plus free delivery!
Using sophisticated computer aided tools, we can help you design your new kitchen or bath, right there in the store. It's easy to show you how your new rooms will look in several variations. Set up an appointment with one of our professional designers, browse through our displays, are we will be happy to help you create the space you've dreamed about!

Experience to Build On
Kitchen, Bath & Flooring Centers
Computer Design & Drafting
Door & Window Assembly
Free Delivery & Free Estimates
HLC Charge Accounts
Job Site Consulting
Machine Pre-Staining
FREE* DELIVERY within storewide delivery area.
For all your building needs we'll GO THE EXTRA MILE to serve you.

"GENERAL PLAN NOTES"

ALL WORK SHALL CONFORM TO STATE AND LOCAL BUILDING CODES

THE BUILDING CODE IS THE MINIMUM REQUIREMENT, ALWAYS CONSULT WITH THE LOCAL AUTHORITIES FOR AMENDMENTS OR IMPROVEMENTS TO THE CODE

ALL DIMENSIONS ARE TO BE VERIFIED IN THE FIELD

ALL FOOTINGS ARE TO REST ON UNDISTURBED SOIL AND EXTEND BELOW THE FROST LINE

ALL LUMBER EXPOSED TO THE WEATHER OR IN DIRECT CONTACT WITH CONCRETE MUST BE PRESSURE TREATED

SMOKE ALARMS ARE TO BE HARDWIRED, INTERCONNECTED AND INSTALLED IN THE FOLLOWING LOCATIONS:
-EACH SLEEPING AREA
-OUTSIDE EACH SEPERATE SLEEPING AREA IN THE VICINITY OF THE BEDROOMS
-ON EACH ADDITIONAL STORY INCLUDING BASEMENT AND HABITABLE ATTICS
-NOT LESS THAN 3' HORIZONTALLY FROM A BATHROOM DOOR CONTAINING A SHOWER OR A BATHTUB

A GARAGE CEILING WITH HABITABLE SPACE ABOVE MUST BE PROTECTED WITH 5/8" TYPE X GYPSUM

COMMON WALL BETWEEN HOUSE AND GARAGE MUST HAVE NO LESS THAN 1/2" GYPSUM ON THE GARAGE SIDE

OPENINGS BETWEEN THE RESIDENCE AND GARAGE SHALL BE PROTECTED WITH A 20 MIN. FIRE RATE DOOR EQUIPPED WITH A SELF-CLOSING DEVICE.

GARAGE SLAB MUST BE AN APPROVED NON-COMBUSTIBLE MATERIAL AND BE SLOPED TO FACILITATE THE MOVEMENT OF LIQUIDS TO A FLOOR DRAIN OR THE MAIN VEHICLE ENTRY DOOR

MAX SILL HEIGHT FOR EGRESS WINDOWS IS 44"

REFER TO IRC 308.4 FOR HAZARDOUS GLAZING LOCATIONS

REFER TO IRC TABLE R602.3(1) FOR FASTENING SCHEDULE

REFER TO IRC R602.7(2) FOR INTERIOR GIRDER SPANS

OPENING SCHEDULE

PRODUCT CODE	COUNT	EGRESS
3068L	2	Yes
2668 BARN	1	No
2668 L	2	No
2868 L	3	No
2868 R	1	No
3068 L	1	No
3068 R	2	No
2668 PKT	1	No
2868 PKT	1	No
ELCA2543 2W	1	No
ELCA2943 2W E	2	No
ELCA2943 2W E	1	Yes
ELCA3353 2W E	2	Yes
ELCA3759 2W E	1	Yes
ELCA2935 3W	1	Yes
ELCA3355 3W E	1	No
ELCA3359 3W E	1	Yes
ELCA3755 3W E	1	No

REVISION SCHEDULE

NUMBER	DATE	REVISION NOTE
1	8/6/20	ADD SCREEN PORCH, CORNER STOVE, CATHEDRAL
		CEILING IN DINING/STUDIO, MOVE BATHROOM SINKS
		ADD LAUNDRY SINK, OVERHANG ON WINDOW, MOVE
		HALF BATH, ADD TRIM ON WINDOWS
2	8/10/20	LARGER HALF BATH, REPLACE FRONT WINDOWS, MAKE
		REAR DORMER LARGER, MOVE SINKS AND LAUNDRY
		CATHEDRAL IN OFFICE AND M. BEDROOM

Hammond Lumber Company
21 LOCATIONS ACROSS MAINE
Auburn • Bangor • Bar Harbor • Belfast • Belgrade • Blue Hill • Boothbay Harbor
Brunswick • Bucksport • Calais • Camden • Cherryfield • Damariscotta • Ellsworth
Fairfield • Farmington • Greenville • Machias • Portland • Rockland • Skowhegan
WWW.HAMMONDLUMBER.COM

DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO IT'S CUSTOMERS AND ARE INTENDED FOR INFORMATIONAL AND ILLUSTRATIVE PURPOSES ONLY. THE INFORMATION PRESENTED IN THESE DRAWINGS WAS NOT PREPARED OR REVIEWED BY A REGISTERED ARCHITECT AND SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION. HAMMOND LUMBER COMPANY SUGGESTS THAT IT'S CUSTOMERS SEEK THE SERVICES OF A REGISTERED ARCHITECT TO DEVELOP PLANS FOR THEIR PROJECTS. DRAWINGS ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

KAREN ROSANIA

OWN ADDITION
PORTSMOUTH, NH

LCR	JOL	POR	
		8/6/20	
		7/16/20	

Friday, August 14, 2020
SCALE = AS NOTED

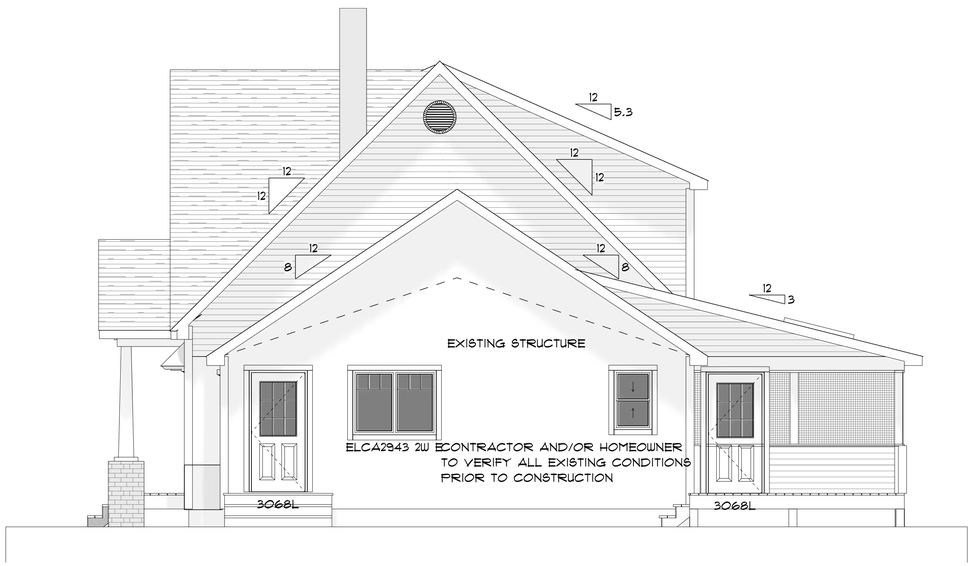
AD201285
1 OF 5

HOME PLANNING CENTER
A Division of Hammond Lumber Company

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Hammond Lumber Company

21 LOCATIONS ACROSS MAINE
Auburn • Bangor • Bar Harbor • Belfast • Belgrade • Blue Hill • Boothbay Harbor
Brunswick • Bucksport • Calais • Camden • Cherryfield • Damariscotta • Ellsworth
Fairfield • Farmington • Greenville • Machias • Portland • Rockland • Skowhegan
WWW.HAMMONDLUMBER.COM

DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO IT'S CUSTOMERS AND ARE INTENDED FOR INFORMATIONAL AND ILLUSTRATIVE PURPOSES ONLY. THE INFORMATION PRESENTED IN THESE DRAWINGS WAS NOT PREPARED OR REVIEWED BY A REGISTERED ARCHITECT AND SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION. HAMMOND LUMBER COMPANY SUGGESTS THAT IT'S CUSTOMERS SEEK THE ASSISTANCE OF A REGISTERED ARCHITECT OR ENGINEER BEFORE USING THESE DRAWINGS AS A BASIS FOR CONSTRUCTION. PLANS PROVIDED BY HAMMOND LUMBER COMPANY ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

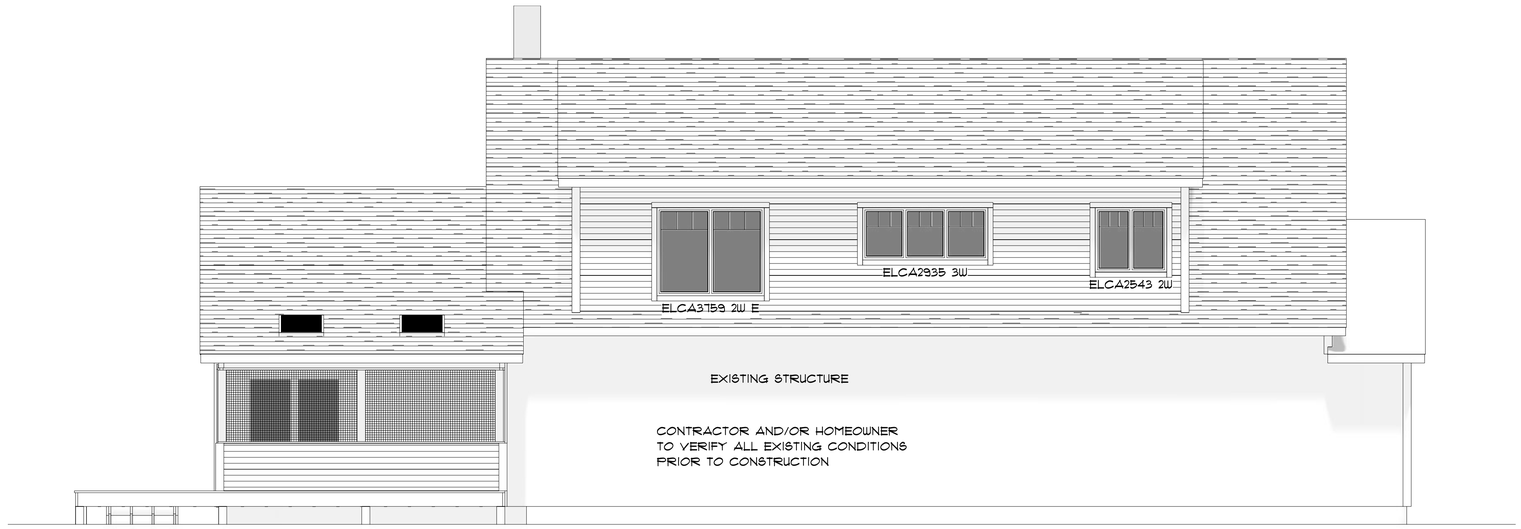
KAREN ROSANIA

OWN	LCR	JOL	POR	7/16/20
				8/6/20
ADDITION	Friday, August 14, 2020			
PORTSMOUTH, NH	SCALE = AS NOTED			

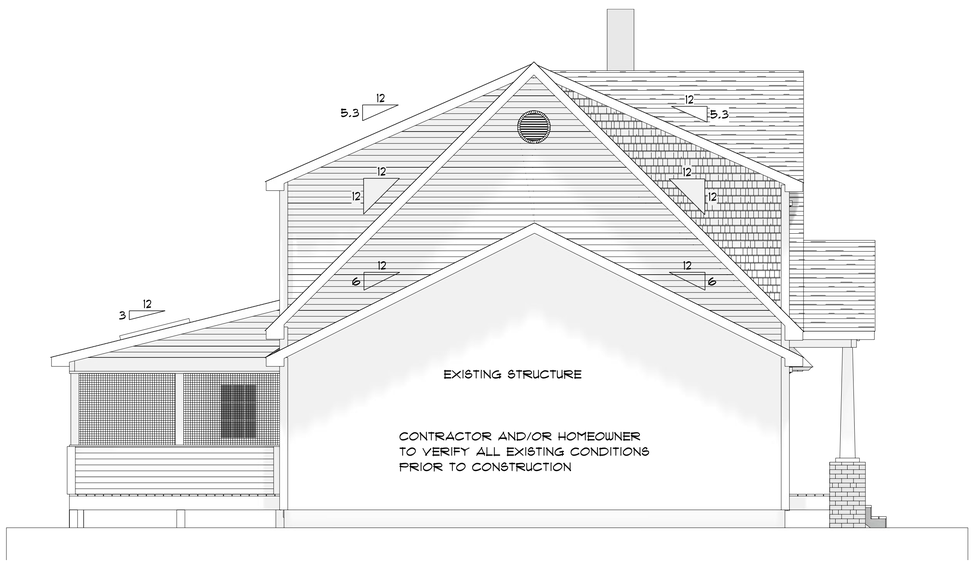
AD201285
2 OF 5

HOME PLANNING CENTER
A Division of Hammond Lumber Company

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION



REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Hammond Lumber Company

21 LOCATIONS ACROSS MAINE
Auburn • Bangor • Bar Harbor • Belfast • Belgrade • Blue Hill • Boothbay Harbor
Brunswick • Bucksport • Calais • Camden • Cherryfield • Damariscotta • Ellsworth
Fairfield • Farmington • Greenville • Machias • Portland • Rockland • Skowhegan
WWW.HAMMONDLUMBER.COM

DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO IT'S CUSTOMERS AND ARE INTENDED FOR INFORMATIONAL AND ILLUSTRATIVE PURPOSES ONLY. THE INFORMATION PRESENTED IN THESE DRAWINGS WAS NOT PREPARED OR REVIEWED BY A REGISTERED ARCHITECT AND SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION. HAMMOND LUMBER COMPANY SUGGESTS THAT IT'S CUSTOMERS SEEK THE SERVICES OF A REGISTERED ARCHITECT OR ENGINEER TO PREPARE PLANS FOR THEIR PROJECTS. ANY DRAWINGS PROVIDED BY HAMMOND LUMBER COMPANY ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

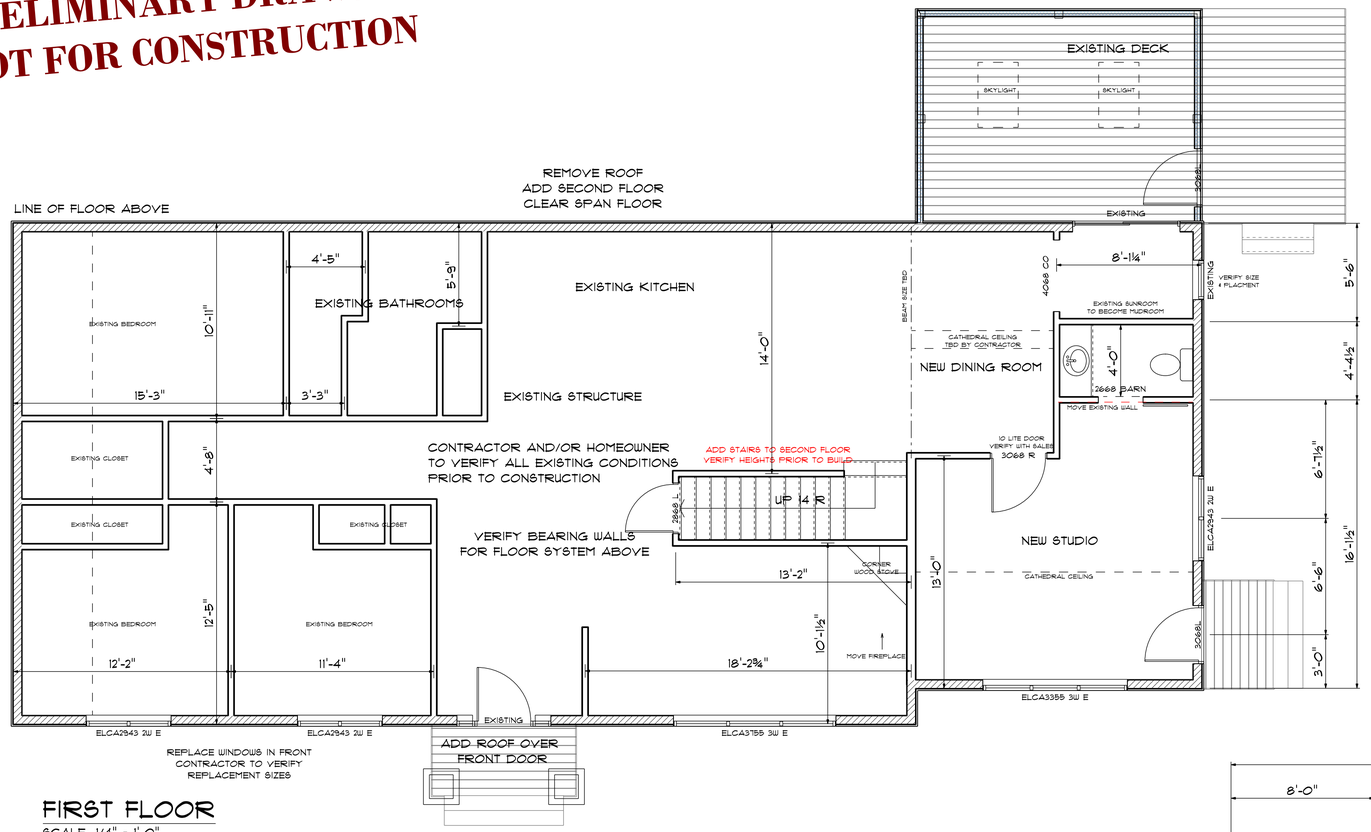
AD201285
3 OF 5

KAREN ROSANIA

OWN	LCR	JOL	POR
ADDITION	Friday, August 14, 2020		8/6/20
PORTSMOUTH, NH	SCALE = AS NOTED		

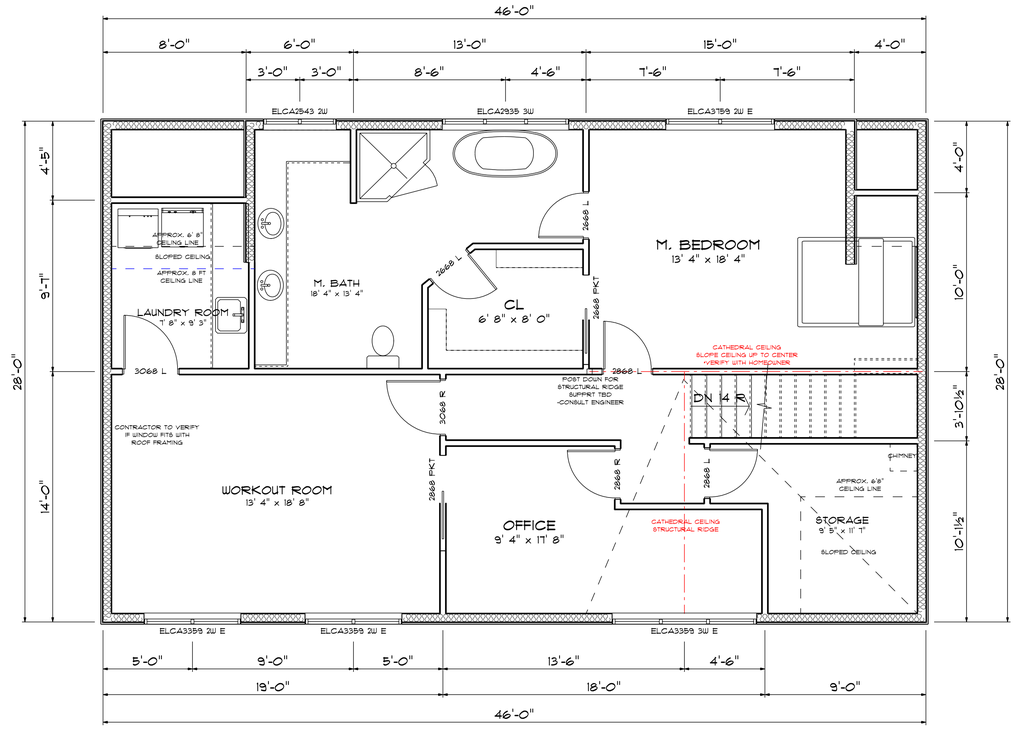
HOME PLANNING CENTER
A Division of Hammond Lumber Company

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION



FIRST FLOOR

SCALE: 1/4" = 1'-0"



SECOND FLOOR

SCALE: 1/4" = 1'-0"

21 LOCATIONS ACROSS MAINE
Auburn • Bangor • Bar Harbor • Belfast • Belgrade • Blue Hill • Boothbay Harbor
Brunswick • Bucksport • Calais • Camden • Cherryfield • Damariscotta • Ellsworth
Fairfield • Farmington • Greenville • Machias • Portland • Rockland • Skowhegan
WWW.HAMMONDLUMBER.COM

DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO IT'S CUSTOMERS, AND ARE INTENDED FOR INFORMATIONAL AND ILLUSTRATIVE PURPOSES ONLY. THE INFORMATION PRESENTED IN THESE DRAWINGS WAS NOT PREPARED OR REVIEWED BY A REGISTERED ARCHITECT AND SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION. HAMMOND LUMBER COMPANY SUGGESTS THAT IT'S CUSTOMERS SEEK AS REQUIRED BY LAW, THE SERVICES OF A REGISTERED ARCHITECT OR ENGINEER. THESE DRAWINGS ARE PROVIDED TO ASSIST IN THE PLANNING PROCESS AND ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

KAREN ROSANIA

OWN
ADDITION
PORTSMOUTH, NH

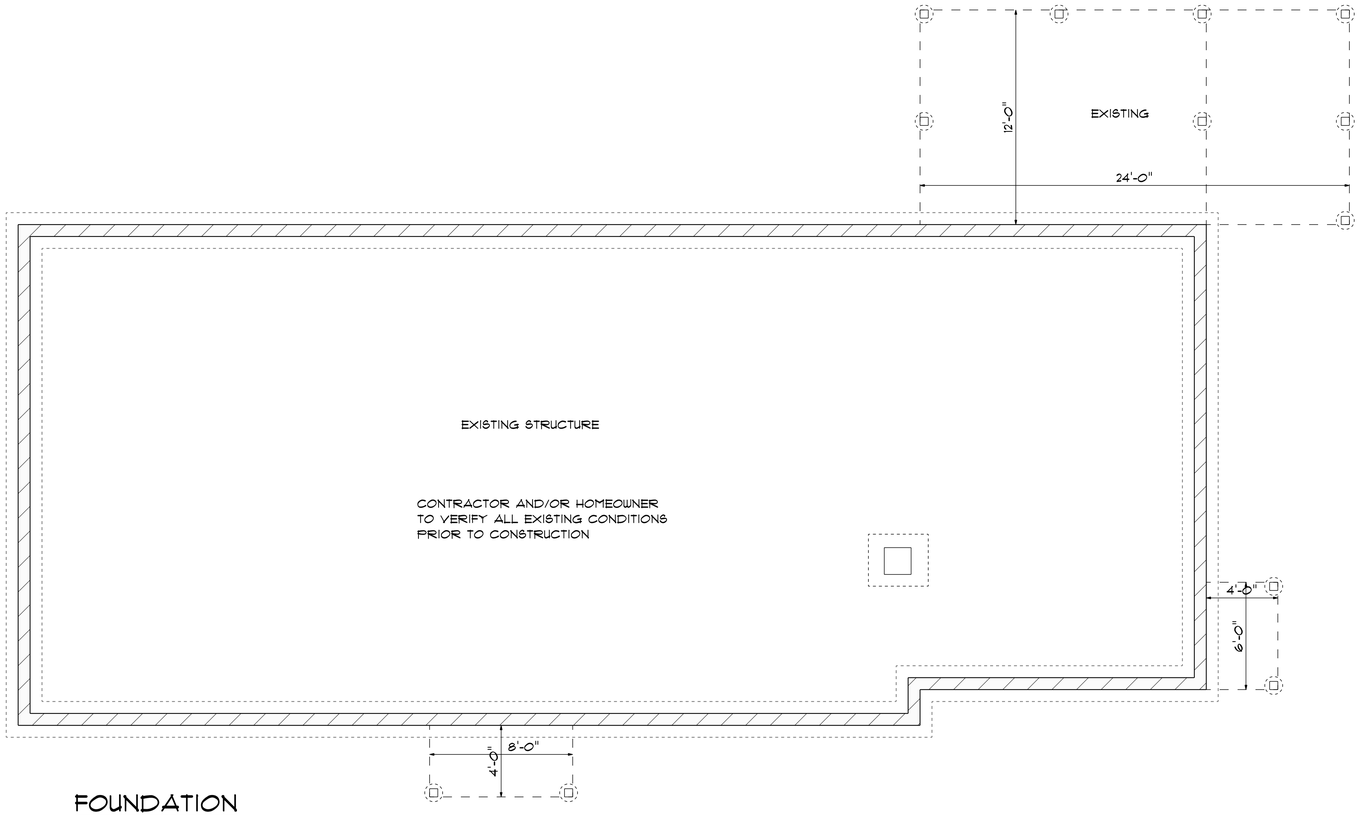
LCR	JOL	POR	
		8/6/20	7/16/20

Friday, August 14, 2020
SCALE = AS NOTED

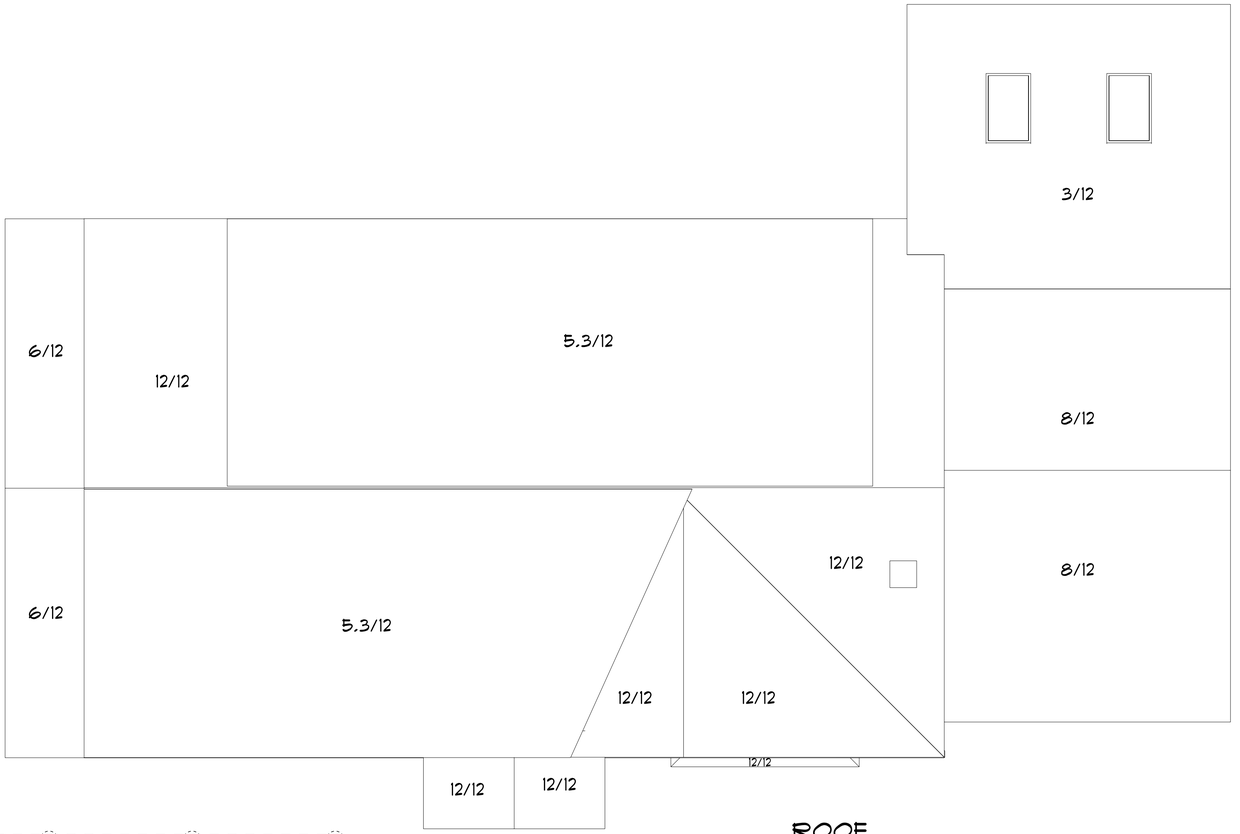
AD201285
4 OF 5

HOME PLANNING CENTER
A Division of Hammond Lumber Company

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION



FOUNDATION
SCALE: 1/4" = 1'-0"



ROOF
SCALE: 1/4" = 1'-0"

Hammond Lumber Company
21 LOCATIONS ACROSS MAINE
Auburn • Bangor • Bar Harbor • Belfast • Belgrade • Blue Hill • Boothbay Harbor
Brunswick • Buckport • Calais • Camden • Cherryfield • Damariscotta • Ellsworth
Fairfield • Farmington • Greenville • Machias • Portland • Rockland • Skowhegan
WWW.HAMMONDLUMBER.COM

DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO IT'S CUSTOMERS AND ARE INTENDED FOR INFORMATIONAL AND ILLUSTRATIVE PURPOSES ONLY. THE INFORMATION PRESENTED IN THESE DRAWINGS WAS NOT PREPARED OR REVIEWED BY A REGISTERED ARCHITECT AND SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION. HAMMOND LUMBER COMPANY SUGGESTS THAT IT'S CUSTOMERS SEEK THE SERVICES OF A REGISTERED ARCHITECT OR ENGINEER TO PREPARE PLANS FOR THEIR PROJECTS. THESE PLANS ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

AD201285
5 OF 5

KAREN ROSANIA

OWN	LCR	JOL	POR	7/16/20
				8/6/20
ADDITION	Friday, August 14, 2020			
PORTSMOUTH, NH	SCALE = AS NOTED			

HOME PLANNING CENTER
A Division of Hammond Lumber Company

Re: Project Description for Requested Variance
at 56 Clinton St, Portsmouth NH

From: Lori Sarsfield, Owner & Applicant

I am requesting a variance for the addition of a single car garage on the right side of the existing home, which is within the 10 foot setback. The proposed garage will replace an overgrown and uneven stone patio and aging fencing and deck, which is currently 7.7 feet from the property line. The garage would change this to 5 feet.

The reason I am requesting the addition of the garage to this portion of the property is because this is where a garage would naturally go, based on the existing location of the home on the property - the existing driveway and curb cut would not need to be altered. Further, the opposite side of the home presents a significant grade change which would require a lot more work, possible drainage issues and cut off access to the back yard of the home.

This change should not substantially alter the character of the home or the fit of the home in the overall neighborhood as:

- The surrounding neighborhood is made up of single-family residences, many with similarly scaled attached garages
- The proposed garage will not greatly alter current light, air, visibility, access, between abutters property.

Further, replacing the existing structures (fence, patio, deck) with a modest single car garage will not cause any harm to abutters and/or general public that would outweigh the loss to the property owner if not allowed to construct. Surrounding properties will not be diminished due to the construction of a single car garage on the property. As mentioned earlier, many homes in the neighborhood have garages and renovating the home from its current state should help to improve the overall neighborhood. I have attached a memo from a local realtor who has worked in the community for many years providing his opinion that supports this statement.

56 Clinton Street – Variance Request

Supplemental Criteria Info

1. The variance is not contrary to the public interest.
2. The spirit of the ordinance is observed.
   - Neighborhood made up of mostly single-family homes
   - Variety of similar garages throughout the neighborhood
   - Although taller, the proposed new garage will encroach less into the side yard setback than the currently existing decks
   - Proposed garage still allows for very reasonable amount of light, air, views, and privacy between adjacent properties

3. Substantial justice is done.
   - Denying the proposed garage location does more harm to the applicant than it does to the public (neighbors) as the only other location for the garage would be to the opposite side of the house where drastic grade changes would create a more costly and complicated solution that would arguably result in the same appearance and effect as the garage being located where it is in this proposal

4. The values of surrounding properties are not diminished.
   - Based on multiple years of recent real estate sales in this area the renovation of this existing single family home and the addition of a small one car garage to the property will increase the valuation of the property at 56 Clinton Street – this will be more likely to slightly increase the value of surrounding properties

5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:
   Because of special conditions of the property that distinguish it from other properties in the area:
   a. There is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property; and
   b. The proposed use is a reasonable one.

   Alternatively, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonable used in strict conformance with the ordinance.

   - The purpose of side yard setbacks is to allow for appropriate light, air, access, views, privacy, and security, amongst many other things, between adjacent properties. The addition of a small single car garage that encroaches into the side yard setback to one side of the house at this location will not have a deleterious effect on the surrounding neighborhood. Due to the siting of the existing adjacent house and the proposed new garage the above listed factors will all still be maintained to the same level as they have for the many years that these properties have existed as is. The siting of the existing house, the location of the driveway, and the extreme grade change at the other end of the house are all special conditions of the property that distinguish it from others in the area.
   - The proposed use of a single-family home with one car garage in a residential zoned neighborhood is a reasonable one

RENOVATIONS TO THE RESIDENCE AT 56 CLINTON STREET

ZONING BOARD OF ADJUSTMENT - OCTOBER 2020, PORTSMOUTH, NEW HAMPSHIRE

GENERAL PROJECT DESCRIPTION:

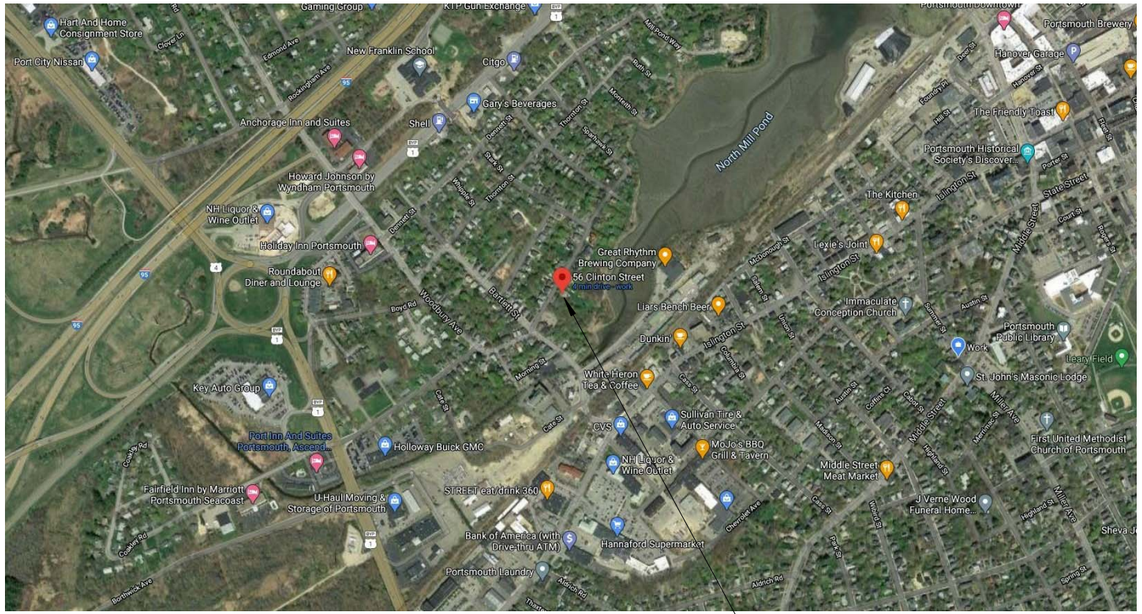
PROPOSED WORK:

- INTERIOR RENOVATIONS TO THE EXISTING HOME AT 56 CLINTON STREET IN THE GENERAL RESIDENCE A DISTRICT IN PORTSMOUTH
- ADDITIONS TO INCLUDE A REAR LIVING SPACE FACING NORTH MILL POND AND A SINGLE GARAGE WITH LAUNDRY AND A HALF BATH IN THE RIGHT SIDE YARD REQUIRING A SETBACK RELIEF OF 5'-0"
- REMOVAL OF ALL EXISTING DECKS AND PATIOS IN THE SIDE YARD SETBACK AS WELL AS THE ABOVE GROUND POOL

SHEET LIST	
Sheet Number	Sheet Name
PFR	PETITION FOR RELIEF
C	RENOVATIONS TO 56 CLINTON ST
A1	SITE PLAN AND STREET VIEWS
A2	EXISTING FIRST FLOOR PLAN
A3	PROPOSED FIRST FLOOR PLAN
A4	EXISTING CONDITION PHOTOS
A5	MASSING CONCEPT

DIMENSIONAL CRITERIA			
	REQUIRED	EXISTING	PROPOSED
BUILDING COVERAGE	25% MAX.	6.50%	9%
RIGHT SIDE YARD SETBACK	10' - 0" MIN.	7' -7"	5' - 0"
LEFT SIDE YARD SETBACK	10' - 0" MIN.	30' - 10"	30' - 10"
REAR YARD SETBACK	20' - 0" MIN	221' - 8"	221' - 8"
FRONT YARD SETBACK	15' - 0" MIN.	31' - 2"	27' - 7"
LOT SIZE	7,500 SF MIN.	28,348 SF	28,348 SF
LOT AREA PER DWELLING UNIT	7,500 SF MIN.	28,348 SF	28,348 SF
LOT FRONTAGE	100' - 0" MIN.	100' - 0"	100' - 0"
LOT DEPTH	70' MIN.	308' - 0"	308' - 0"
BUILDING HEIGHT	35' - 0"	17' - 0"	19' - 0"
OPEN SPACE	30%	81%	81%

RED INDICATES VARIANCE REQUEST



LOCUS MAP



VIEW FROM FRONT AT PROPERTY LINE

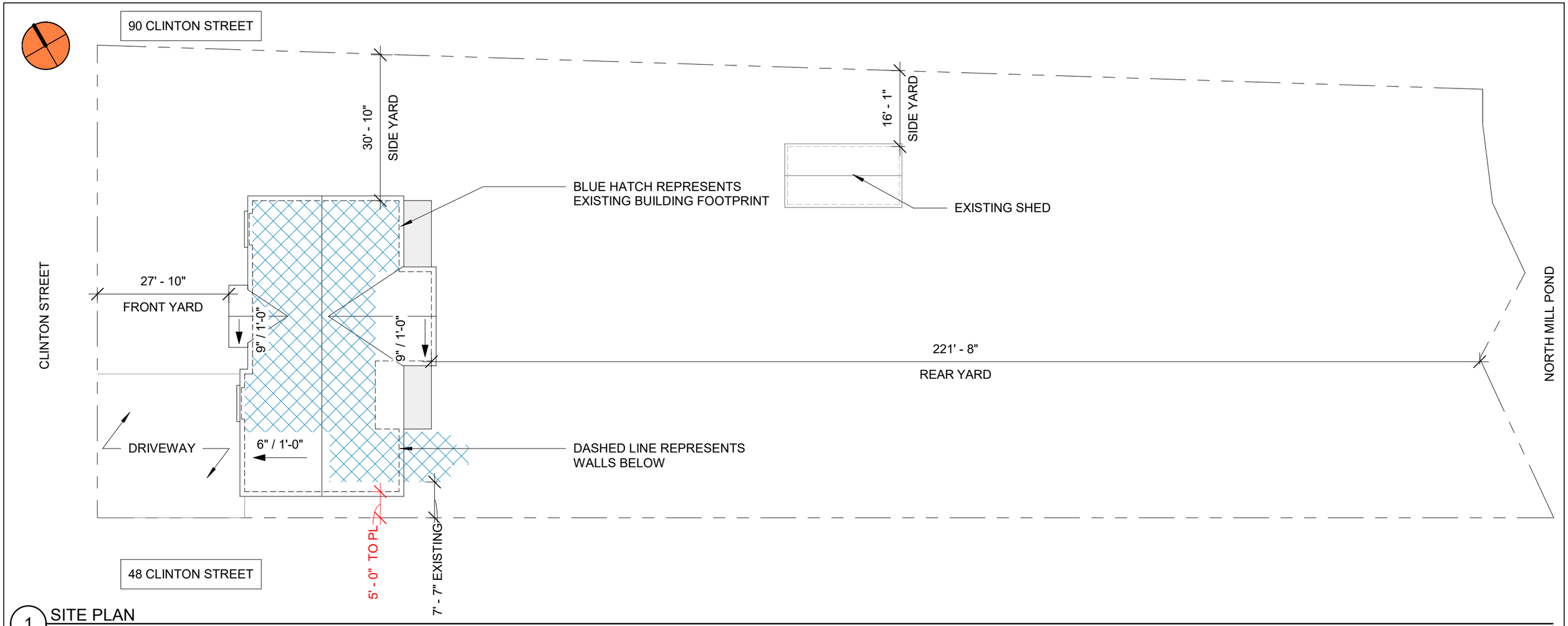


VIEW FROM REAR AT PROPERTY LINE

© 2020 McHenry Architecture

56 CLINTON STREET 56 CLINTON ST. PORTSMOUTH, NH 03801	RENOVATIONS TO 56 CLINTON ST ZONING BOARD OF ADJUSTMENT	McHENRY ARCHITECTURE 4 Market Street Portsmouth, New Hampshire	C	10/20/2020 McHA: RD / JJ NOT TO SCALE

Z:\Active Project Files\20074-56 CLINTON ST\Dwgs\2-SD\56 CLINTON - SD.rvt

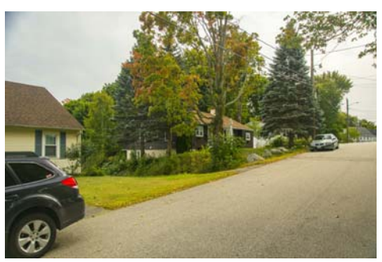


1 SITE PLAN
1" = 20'-0"





APPROACH FROM THE SOUTH





APPROACH FROM THE NORTH

© 2020 McHenry Architecture

56 CLINTON STREET

56 CLINTON ST.
PORTSMOUTH, NH 03801

SITE PLAN AND STREET VIEWS

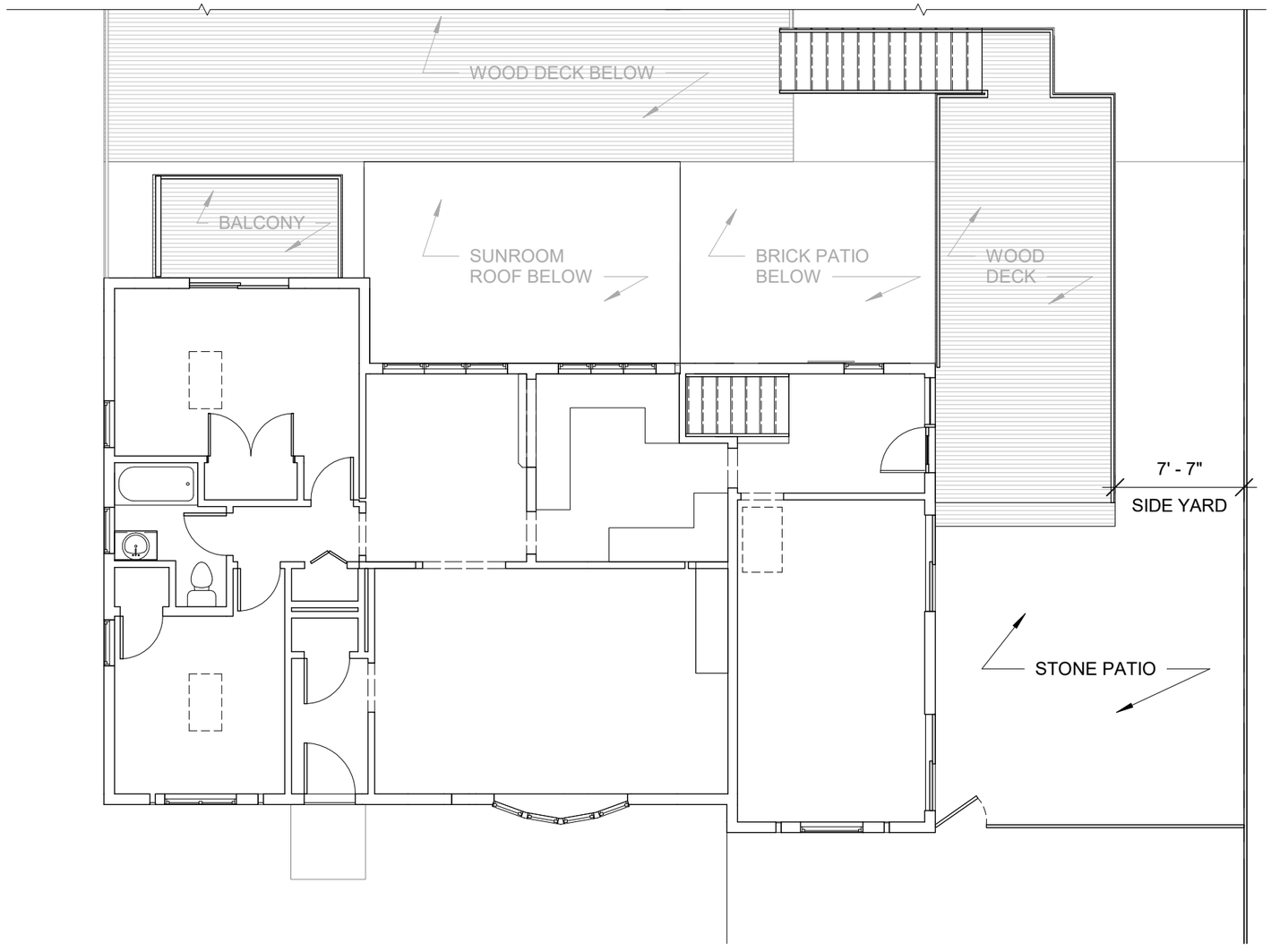
ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A1

10/20/2020
McHA: RD / JJ
Scale: 1" = 20'-0"

Z:\Active Project Files\20074-56 CLINTON ST\Dwgs\2-SD\56 CLINTON - SD.rvt



1 EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"

© 2020 McHenry Architecture

56 CLINTON STREET

56 CLINTON ST.
PORTSMOUTH, NH 03801

EXISTING FIRST FLOOR PLAN

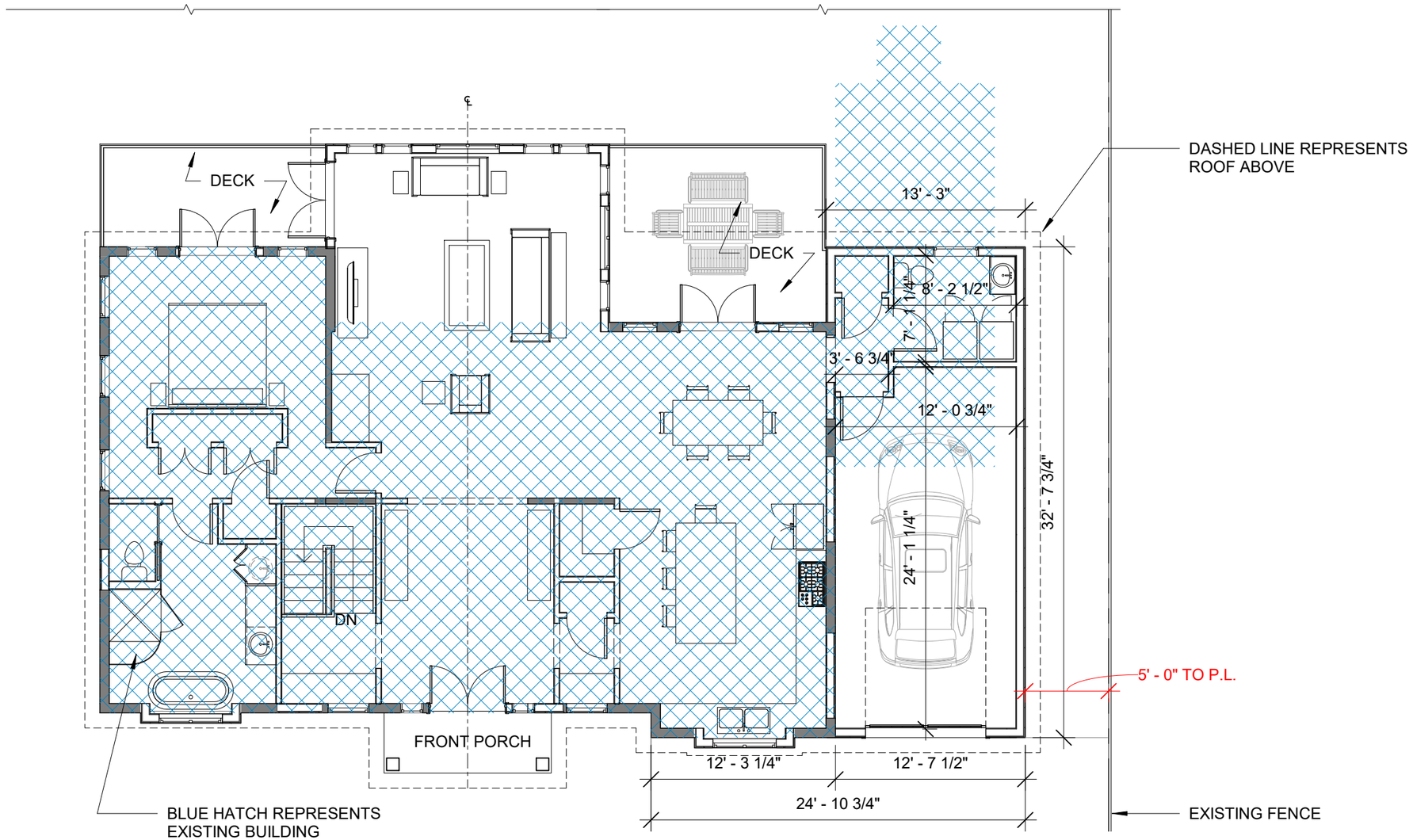
ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A2

10/20/2020
McHA: RD / JJ
Scale: 1/8" = 1'-0"

Z:\Active Project Files\20074-56 CLINTON ST\Dwgs\2-SD\56 CLINTON - SD.rvt



1 FIRST FLOOR
1/8" = 1'-0"

© 2020 McHenry Architecture

56 CLINTON STREET

56 CLINTON ST.
PORTSMOUTH, NH 03801

PROPOSED FIRST FLOOR PLAN

ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A3

10/20/2020
McHA: RD / JJ
Scale: 1/8" = 1'-0"

Z:\Active Project Files\20074-56 CLINTON ST\Dwgs\2-SD\56 CLINTON - SD.rvt



VIEW FROM CLINTON STREET LOOKING AT RIGHT SIDE YARD



VIEW FROM CLINTON STREET LOOKING AT LEFT SIDE YARD



VIEW FROM LEFT SIDE YARD



VIEW FROM REAR YARD AT PROPERTY LINE

© 2020 McHenry Architecture

56 CLINTON STREET

56 CLINTON ST.
PORTSMOUTH, NH 03801

EXISTING CONDITION PHOTOS

ZONING BOARD OF ADJUSTMENT

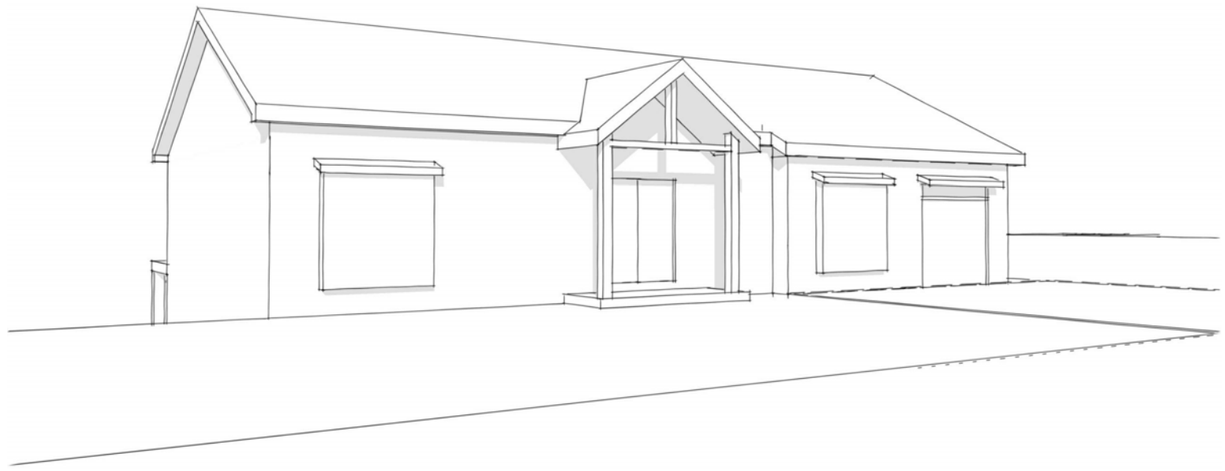
McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A4

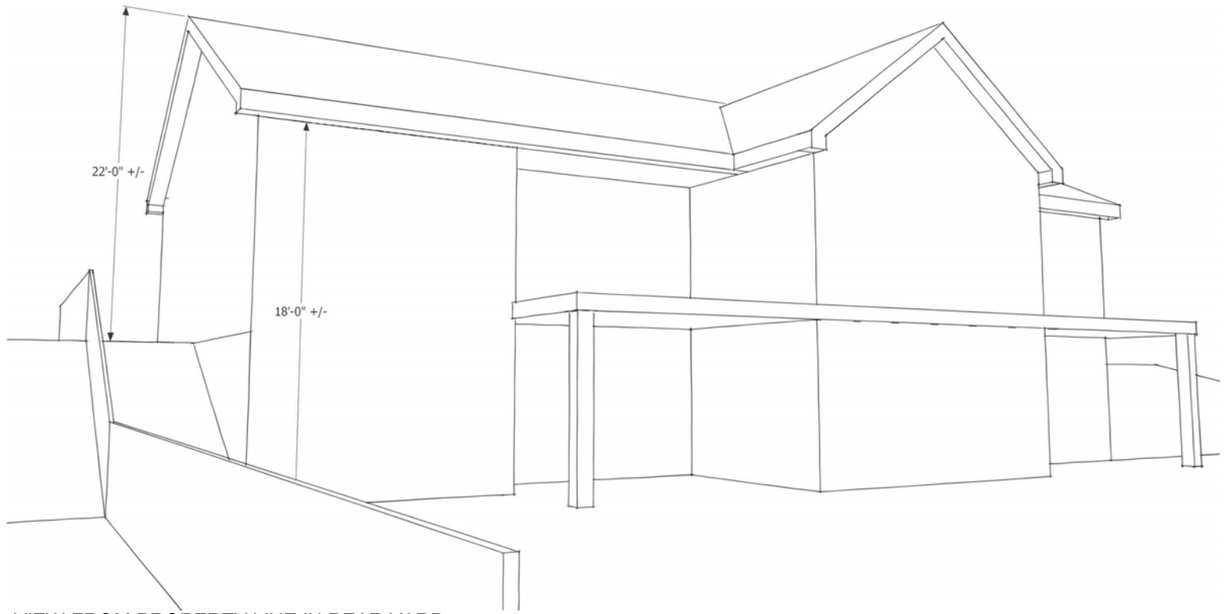
10/20/2020
McHA: RD / JJ
NOT TO SCALE



VIEW FROM PROPERTY LINE ON CLINTON STREET LOOKING AT PROPOSED GARAGE



VIEW FROM CLINTON STREET LOOKING TOWARDS PROPOSED GARAGE



VIEW FROM PROPERTY LINE IN REAR YARD

© 2020 McHenry Architecture

56 CLINTON STREET

56 CLINTON ST.
PORTSMOUTH, NH 03801

MASSING CONCEPT

ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A5

10/20/2020
McHA: RD / JJ
NOT TO SCALE

Z:\Active Project Files\20074-56 CLINTON ST\Dwgs\2-SD\56 CLINTON - SD.rvt

SEACOAST REALTY PARTNERS

GOOD AFTERNOON,

My name is Brad Boisvert and I've been a local real estate agent since 1992. This letter is intended to assure the board that the addition of a garage to 56 Clinton Street, Portsmouth, NH would increase not only its own value, but increase the neighborhood in general. The market is showing that a new addition like this to the neighborhood has proven to add value in other instances. A garage is a very popular feature in today's modern world and in almost all cases, it increases values. As an example a property on 79-81 Thornton Street had 2 Similar units on the market at the same time. The one with the garage sold for 11% more than the one without the garage.

SINCERELY YOURS,

Brad Boisvert



Seacoast Realty Partners | Bean Group
1150 Sagamore Ave,
Portsmouth NH 03801

brad@seacoast-realty-partners.com
www.seacoast-realty-partners.com

Brad Boisvert
Realtor
Direct : 603-235-7688

If you are currently under exclusive agency contract with a real estate broker, please disregard this message. It is not our intention to solicit clients of other real estate brokers.

Petition of Matthew and Sarah Currid, Owners, for property located at 542 State St wherein relief is needed from the Zoning Ordinance to construct a two-story connected outdoor deck which requires the following: 1) A Variance from section 10.521 to allow for 4,350 sq ft of lot area per unit where 7,500 is the minimum allowed. Said property is shown on assessor's map 0127 Lot 0018 and lies within the Mixed Residential Office (MRO) District.

Existing and Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	MRO	MRO		
Lot area (sq. ft.):	4,612	**4,612**	7,500	min.
Lot Area per Dwelling Unit (sq. ft.):	4,612	**2,175**	7,500	min.
Street Frontage (ft.):	50	50	100	min.
Lot depth (ft.):	107.5	107.5	80	min.
Primary Front Yard (ft.):	5	5	5	min.
Left Side Yard (ft.):	7	7	10	min.
Right Side Yard (ft.):	30	20	10	min.
Rear Yard (ft.):	21	21	15	min.
Height (ft.):	22	22	40	max.
Building Coverage (%):	18.2	22.1	40	max.
Open Space Coverage (%):	58.72	54.82	25	min.
Estimated Age of Structure:	1840	Variance request shown in red.		

- Valuation of New Construction (for non-residential projects)
  - $181,470 estimate for complete renovation plan (See exhibit 1)
- Total Number of Dwelling Units (for residential projects)
  - Currently single family, requesting conversion to 2 units
- Lot area
  - 542 State St. (See Exhibit 2)
- Description of proposed project
  - Current structure is in need of extensive exterior and interior renovation. House is not currently up to neighborhood standards and we wish to

improve upon its outward appearance to support the overall appearance of the neighborhood. On the interior, we wish to divide the current single-family structure into two apartments (upper and lower floors). This will require internal non-structural changes to the existing layout and the removal of a shared staircase. A two-story deck will be added to the wide side of the property to afford secondary egress points for both units.

- Description of existing land use
    - Residential – Single family home
- Project representatives – names and contact information
    - Matthew and Sarah Currid (Owners)
        - Mccurrid@gmail.com / Securrid@gmail.com
        - (603) 892-1090
- Description and dimensions of existing and proposed buildings (including building footprint, total gross floor area, and height)
    - Currently a single family home
        - Square footage Living Space = 1552
        - Footprint = 60’L x 14’W (840 sq ft)
    - Proposing to split current structure into two apartments
        - Square footage Living Space = 1552
        - Footprint = 60’L x 14’W (840 sq ft) - Plus 18’L x 10’W Deck added to center of building (180 sq ft) Total new building coverage 1020 sq ft

- Existing and proposed front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)
    - Existing Setbacks
        - Northern Wall / Street Front – 5’
        - Eastern Wall – 7’
        - Southern Wall - ~21’ Property line is not parallel to structure
        - Western Wall – 30’
    - Proposed Setbacks
        - Northern Wall / Street Front – 5’
        - Eastern Wall – 7’
        - Southern Wall - ~21’ Property line is not parallel to structure
        - Western Wall – 20’ (Addition of Deck)
- Site Plan(s) showing existing and proposed conditions including:
    - See Exhibit 3 (Green box is added Deck / Red box is existing parking)
        - Abutting street(s) and street names
        - Driveways / accessways
        - Dimensions (size and height) of structures
            - Height of existing house is 22’, addition would not exceed existing max height of home.
        - Dimensions and location of parking spaces
- Scale of all drawings and plans (the scale is the ratio of the drawing’s size relative to the actual size)
    - All measurements included within drawing
- Labeled photo(s) of existing conditions
- Building plans and elevations of any *proposed* structures or additions
    - See Exhibit 4 – Finished Deck Plans
        - First story deck = 2’ Elevation ground to floor
        - Second Story Deck = 10’ ground to floor

- Interior floor plans for any renovations or expansion to *existing* structures
    - See Exhibit 5 – Finished Remodel Drawings
- Written statement explaining how the request complies with the requirements of the **Zoning Ordinance** as provided in Article 2 (see Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).

Given the plot size, we do not have the option to demolish and rebuild. Our only option is to renovate and redesign. The only exterior addition to the existing structure is an open-air two-story deck. This deck will provide improved living conditions for the occupants, a second means of egress for the second floor and will not negatively impact neighbors as we will maintain 20' of setback from our westerly property border. This requested addition posed no detriment to property values of the neighborhood now change the characteristics inherent within the neighborhood. It will not create excessive burden on municipal services and will not increase rain water runoff into the street or neighboring properties.

This application must meet all five of the statutory tests for a variance (see Section 10.233 of the Zoning Ordinance):

1. Granting the variance would not be contrary to the public interest.
   - This home's current appearance does not accurately reflect the spirit of the neighborhood. Tasteful alterations to the interior and exterior will increase the value of the home and the surrounding homes within the neighborhood. This home is currently amongst multi-unit rental properties and office spaces. Dividing this single-family home into two units would not change the face of the neighborhood.
2. Granting the variance would observe the spirit of the Ordinance.
3. Granting the variance would do substantial justice.
   - The addition of this deck would maintain appropriate setbacks. It would not cause any undue harm or inconvenience to our neighbors. This deck would not diminish sunlight exposure or run off, nor will it create excessive burden on municipal services.
4. Granting the variance would not diminish the values of surrounding properties.
5. The "unnecessary hardship" test: (a)The property has special conditions that distinguish it from other properties in the area. AND (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.
   - The plot is already too small and the frontage too short for the existing structure. It is significantly smaller than surrounding plots.

Coastal Points Construction

Estimate

Name/Address
Matt & Sarah 542 State st Portsmouth Nh 03801

Date	Estimate No.	Project
05/17/20	18	

Item	Description	Quantity	Cost	Total
	Scope of work : Full Renovation of the interior, Complete gut and rellocate interior walls, rework the 2nd floor stairs adn basement. Instlal new wiring ,plumbing, insulatiuon and new drywall. Remove larger 2nd floor stair case to allow for a larger 1st floor bath and living area , along with the 2nd floor unit. Install a pulldown access hatch to the 3rd floor. All walls will be paint ready and rooms will be prepoed and reasy for flooring.Frame exteriir Decks. Resupport existing porch. Note: The Projecto is to be brough to a stage where the owners will install the finishes on there owne. i.e, bathroom fixtures, flooring, tile work all trim and interior doors. Kitchen and stair tredsand railings.			
01 Plans & Permits	Plans & Permits. TBD		0.00	0.00
31	Dumpster Rental	1	880.00	880.00
02.10 Demo	Demo	1	12,500.00	12,500.00
Materials	Materials for Framing, interior walls and stirs, with Oak treds primed pine risers.	1	8,820.00	8,820.00
			Total	

Coastal Points Construction

Estimate

Name/Address
Matt & Sarah 542 State st Portsmouth Nh 03801

Date	Estimate No.	Project
05/17/20	18	

Item	Description	Quantity	Cost	Total
	Oak hand rails and railing section at top of stairs. Basement stairts 7 interior doors Attic access pull down door			
Labor	Work Done to frame new staris , install ext & int doors, frame interior walls, fill in floor where old stairs where. install attic access door	1	14,200.00	14,200.00
Materials	Materials: 2 Doors for new access to decks . 1 new entry to 2nd floor apt: allowance	1	1,700.00	1,700.00
Materials	Materials: 1st and 2nd floor decks , Trex railing white black balusters , trex decing spiced rum. Pt frame. 14x10 footprint. for both decks	1	15,400.00	15,400.00
Labor	Work Done to build 2 new decks	1	8,200.00	8,200.00
16 Electrical & Lighting	Electrical & Lighting. 2 seporate units 2 seporate meters recessed lights included .	1	34,200.00	34,200.00
17 Insulation	Insulation spray foam all exterior walls and lower sill/foundation floors and cieling will be fiber glass	1	14,040.00	14,040.00
18 Interior Walls	Interior Walls sheetrock	1	14,660.00	14,660.00
14 Plumbing	Plumbing & Heat seporate heat units to both floors	1	36,480.00	36,480.00
22 Specialty	Specialties porta poty	1	660.00	660.00
21 Cabinets & Vanities	Cabinets & Vanities. Kitchen allownace for both units	1	20,000.00	20,000.00
			Total	$181,740.00

Exhibit 2


Search
State Street
State Street
State Street
State Street
State Street
126-13
137-33
127-15
127-17
127-16
127-18
127-19
127-11
127-10
127-9
127-20

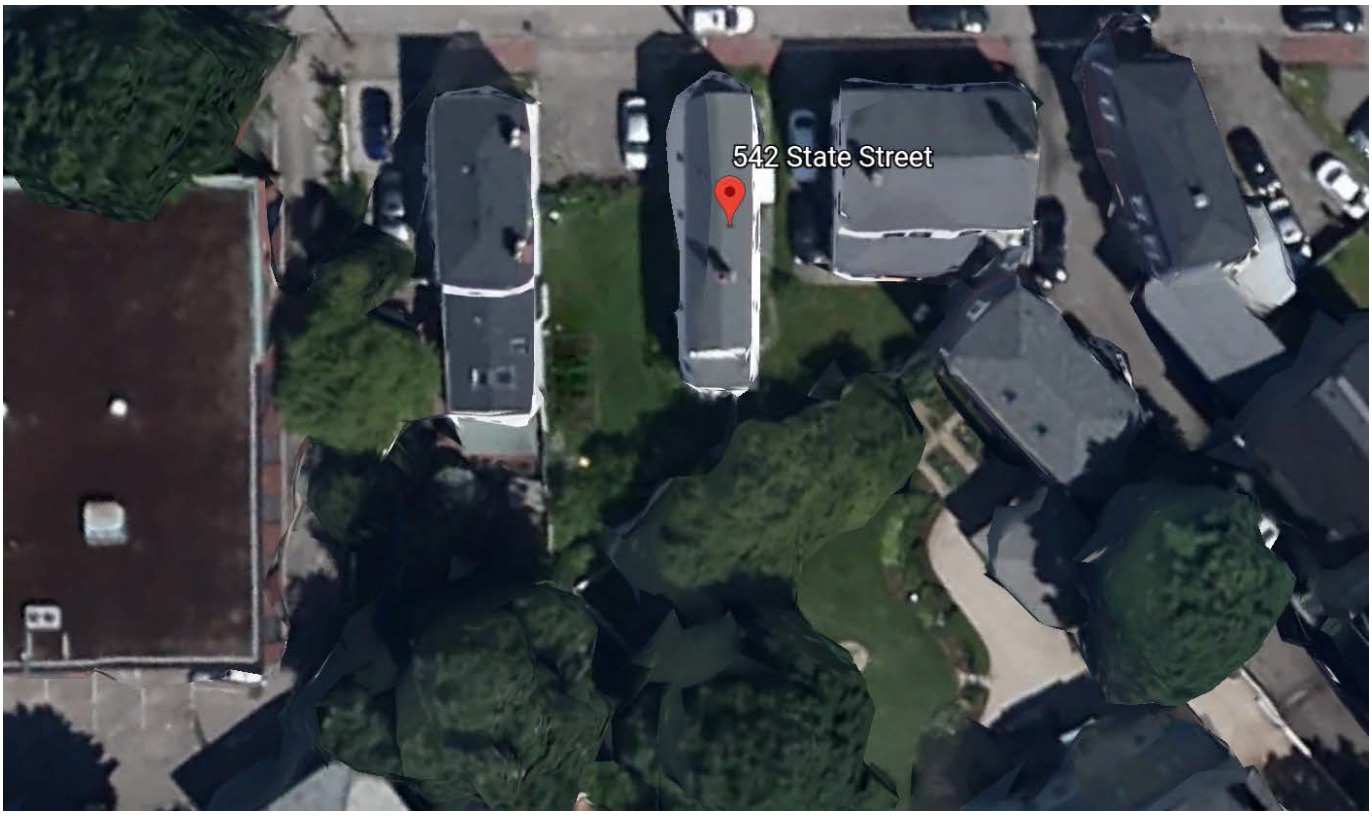
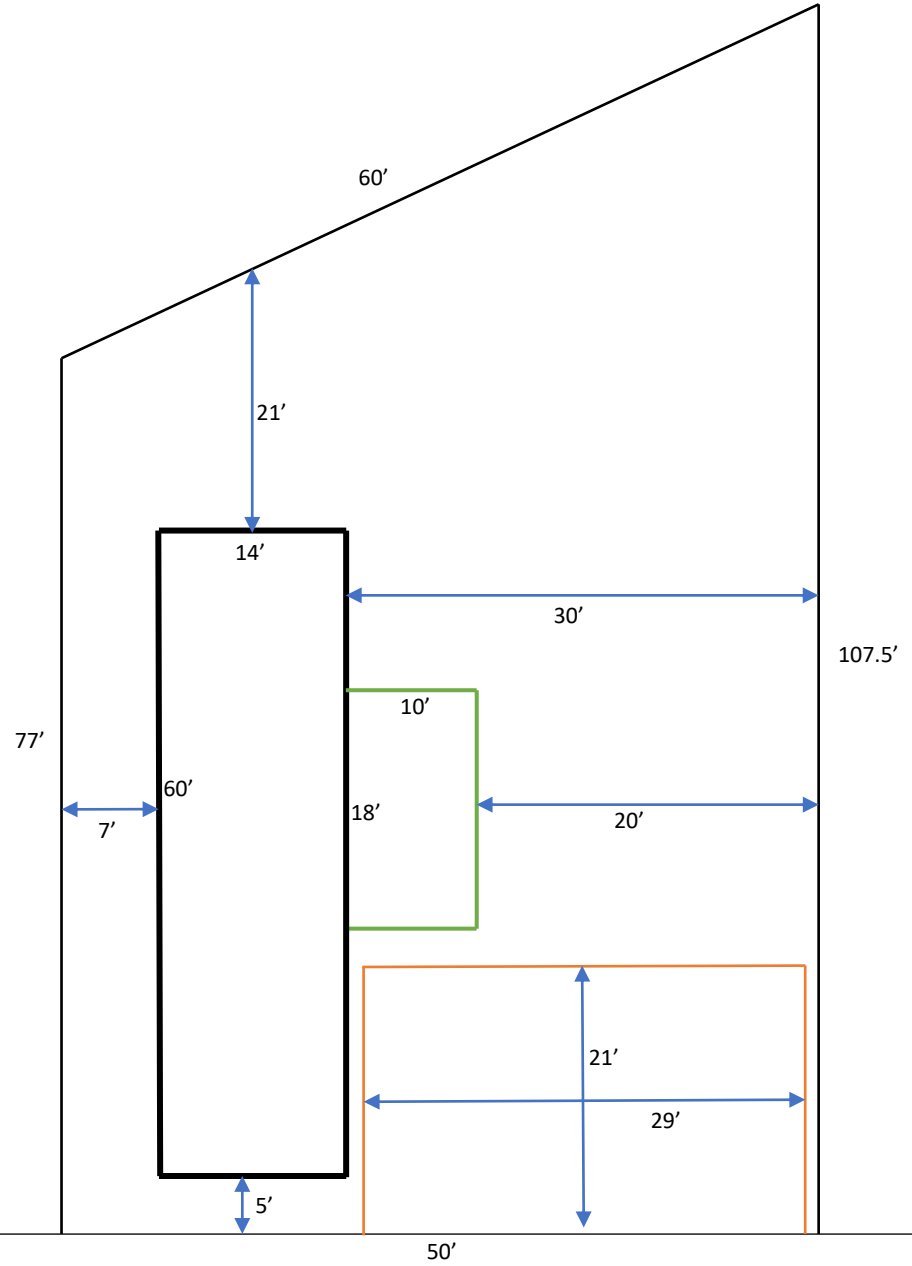
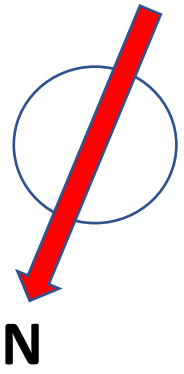

542 State Street

Exhibit 1





Key

Solid Black = Existing Structure

Green = Proposed Addition (Exterior Deck)

Red = Existing Parking

Exhibit 5A First Floor

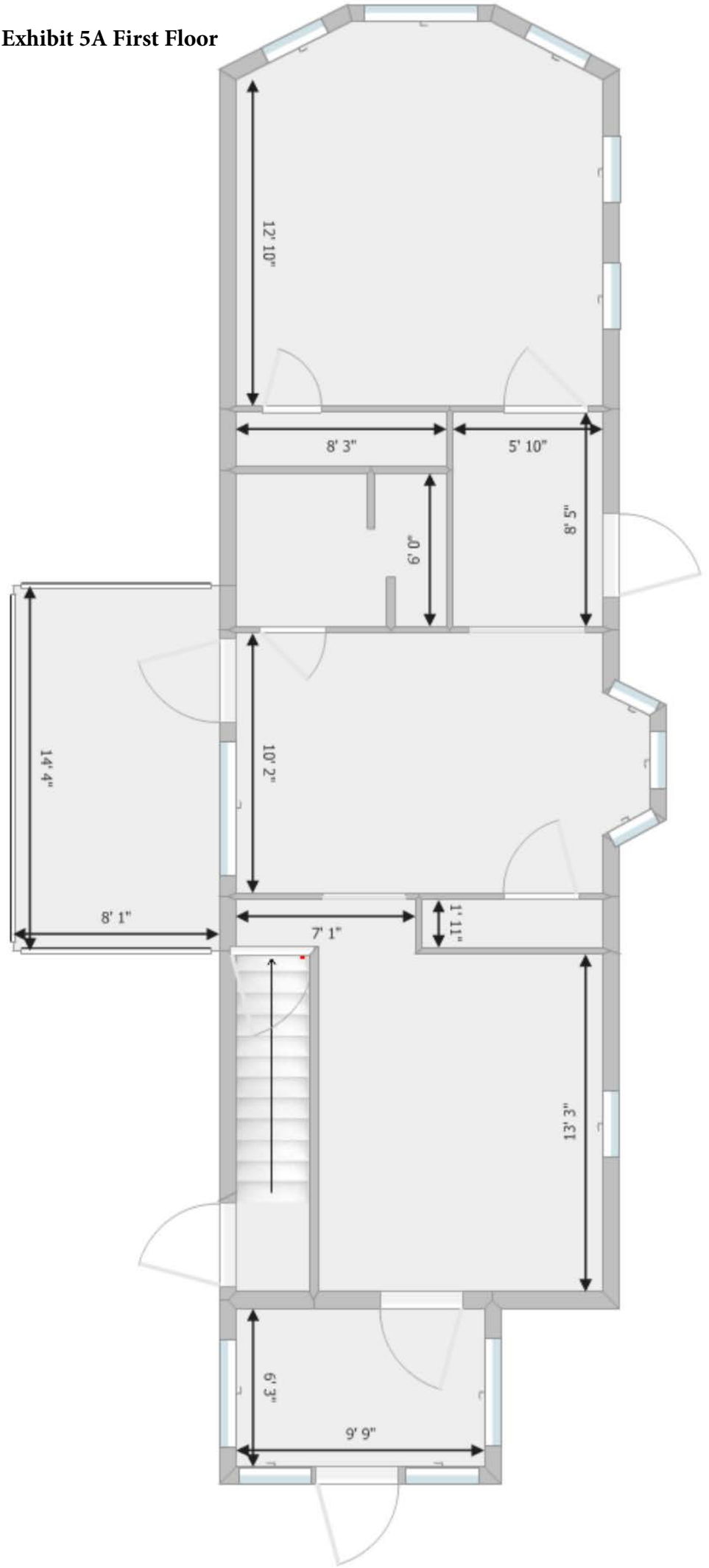


Exhibit 5B Second Floor

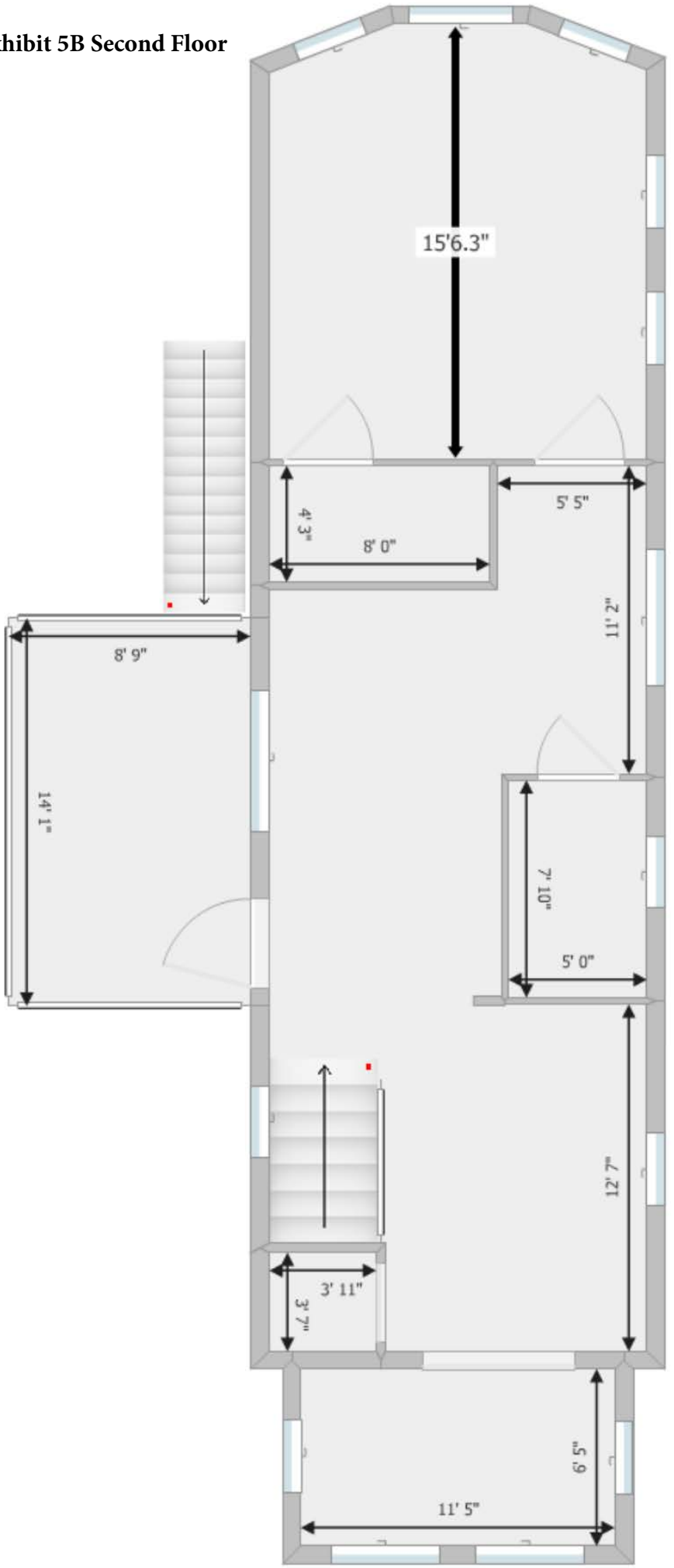


Exhibit 5C **First Floor**



Exhibit 5D **First Floor**



Exhibit 5E **First Floor**

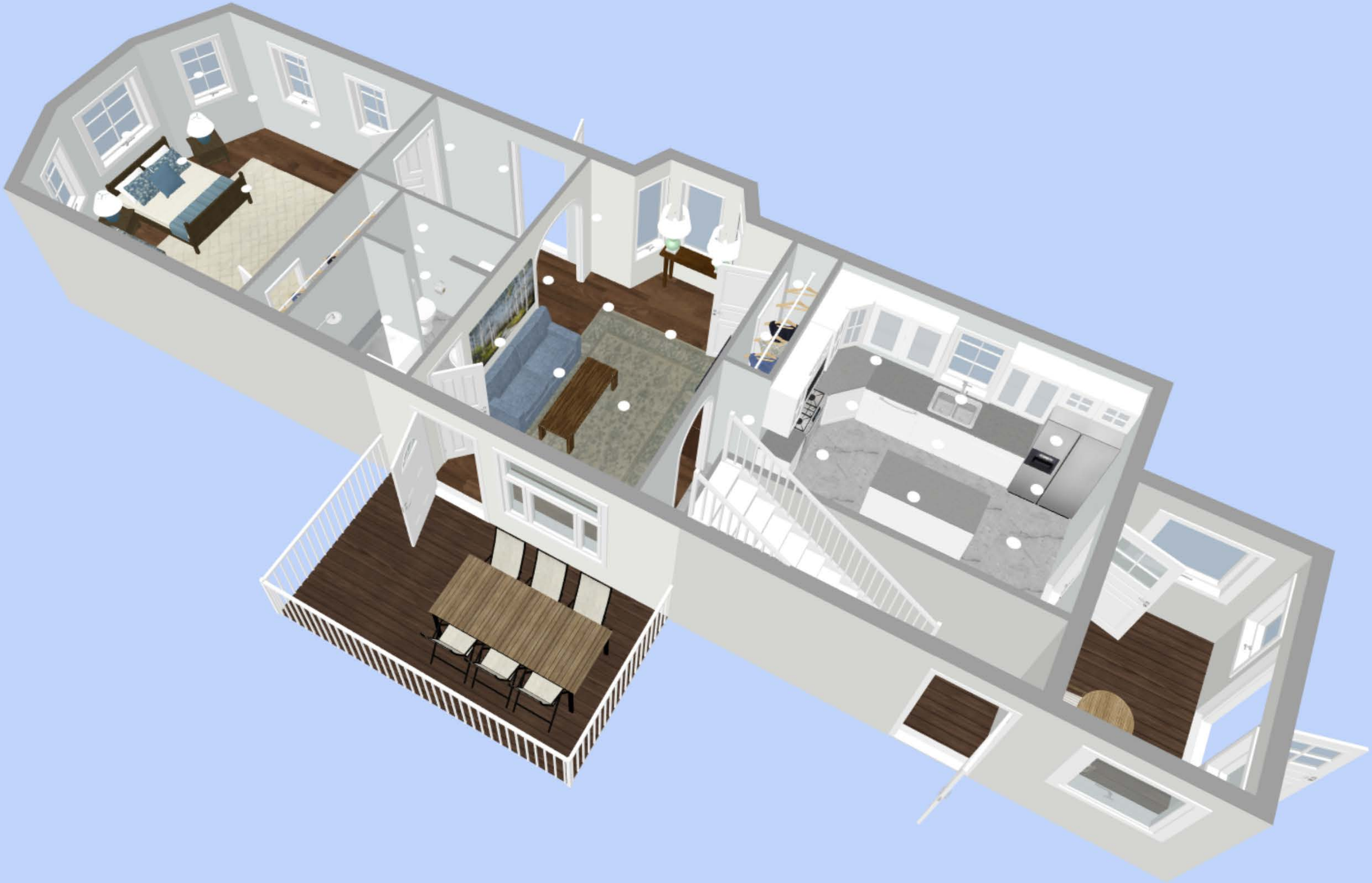


Exhibit 5F **Second Floor**



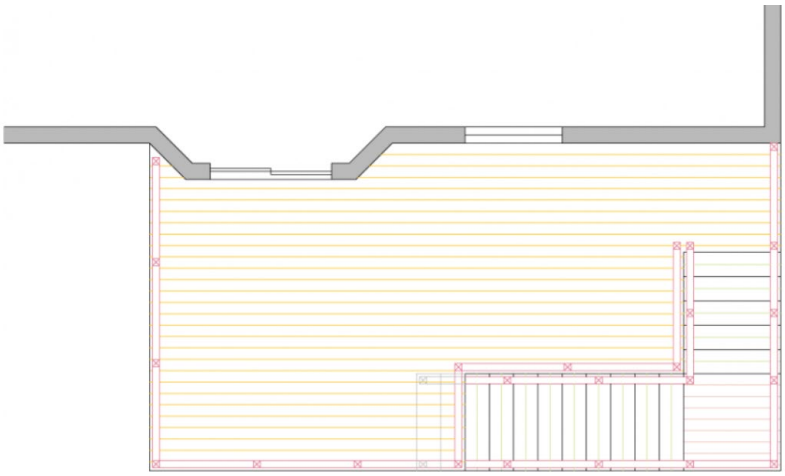
Exhibit 5G **Second Floor**

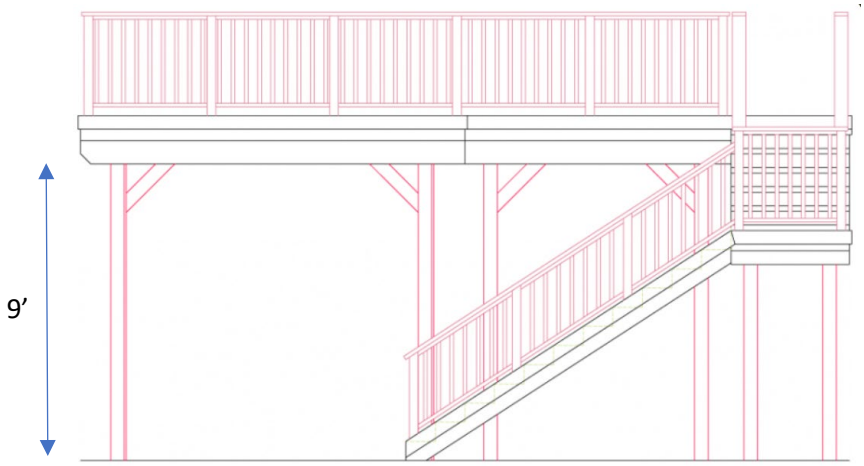









10’
10’


9’

